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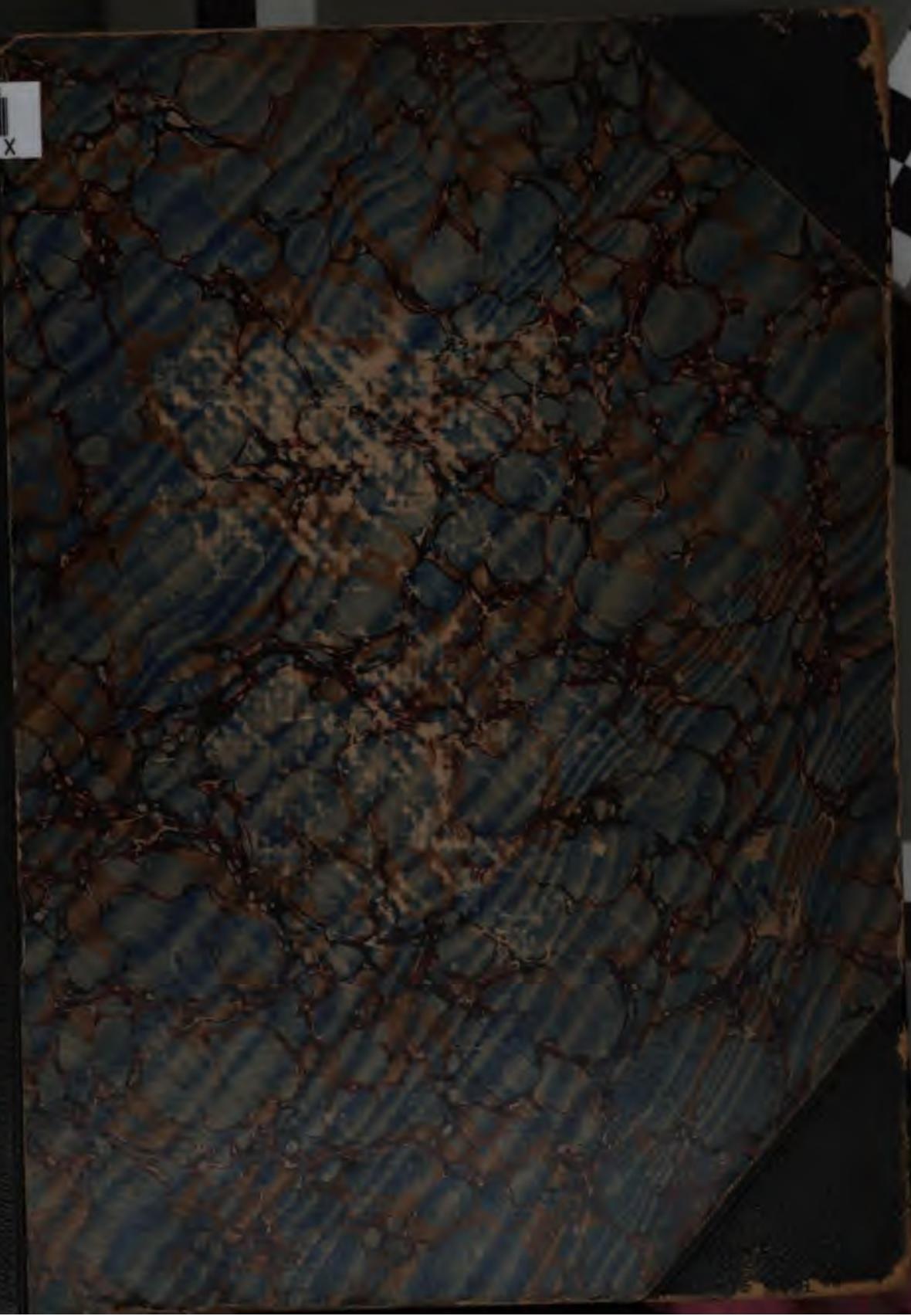
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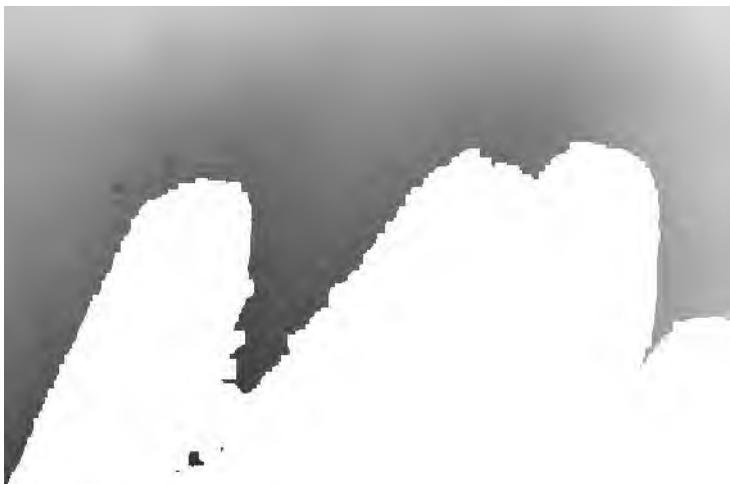
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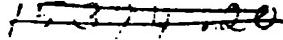
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INCLUDING

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MIDDLE, AND SOUTHERN COLONIES IN AMERICA, WITH
OTHER DOCUMENTS RELATING CHIEFLY TO THE
VACATING OF THE ROYAL CHARTER OF THE
COLONY OF MASSACHUSETTS BAY.

1676-1703.

WITH HISTORICAL ILLUSTRATIONS

AND A

MEMOIR

BY ROBERT NOXON TOPPAN, A.M.

MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, THE AMERICAN
PHILOSOPHICAL SOCIETY, THE COLONIAL SOCIETY
OF MASSACHUSETTS, ETC.

IN FIVE VOLUMES.

VOL. V.

Boston:

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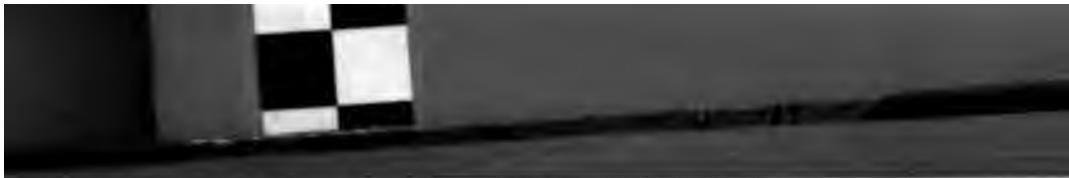
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DOCUMENTS AND LETTERS.

FROM M^r. RANDOLPH. ANSWER TO THE BOSTON
DECLARATION.¹

[In Randolph's handwriting.]

State Papers, Board of Trade, New England, Vol. 5. p. 276. 1689.

S^r: Tho' before the Receite of y^rn I had a very full & perfect account of y^e late revolutions at Boston & had seen & perused y^e Declaration sett forth in y^e Name of y^e Gen^t. mer^cts. & Inhabitants of Boston & y^e Country adjacent, I could not forbeare, when you lett the whole stresse & notice of that violent proceedings on y^e Grounds & Reasons there in Containd; Seriously & Considerately to review y^e fame: to find if any true Reason there were for a Rebellion, for so (not to flatter our selues) in truth the actions must be termed; & indeed vpon y^e most strict examination I can make there, find nothing that either by y^e Law of God or man

¹ On the front sheet is written: justifie us then if I should trouble their
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VOL. V. — I

Edward Randolph.

man can justify the same, nor any benefitt or advantage propos'd or gained to the Country thereby.

For tho' it be true, That about 11 yeares ago there was a most damnable & horrid Popish plott discouered in Eng^d. And that many of y^e Principall actors therein were brought to condigne Punishment, what reason can it bee, That that Plott at this tyme should affect, frighten or amase vs, when the Same in all the late transactions in Eng^d euen since the happy landing of the Prince of Orang is not so much as instanced, or repeated, and since so effectuall a Course is taken by him with y^e Nobility & Gentry of y^e Kingdome to secure both our Religion & liberty from Popery & Slavery. Methinks wee should rather haue rested satisfied therein prayd Gods blessing vpon so generous an vndertaking & haue thought our selues sufficiently safe & secure thereby being well assured that amongst vs, there is none so intoxicat'd with that Bygometry as to be able to do vs harm.

And 'tis as strange an imposition to make vs belieue That the vacating of Our Charter was any effect of that plott, when the same was fully discouered and defeated in Anno 1678 & the proceedings & Judgment [of] our Charter was in Anⁿ 1684. & if wee do but reflect & looke back on our past action, wee must with Shame acknowledge & Confesse That Our Maleversation & abuse of Our libertyes & privileges granted vs hath justly deserued the same, & why at this tyme & distance you should take vpon you to calumniate the proceedings at Westminster Hall, and by that meanes question y^e Iustice of the Nation vpon which wee do & must certainly wholy depend & bring that as an Argument for y^e Justification, is to me most vnreasonable.

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I haue been an eye & an eare witnes to y^e Commission vnder y^e Great Seal of Eng^d which appointed & [sic] Prefid^t & Councill to take vpon them the Gom^t of thos Countryes which was an Authority equall to y^e former & was admitted & submitted to by y^e whole Authority of this Gom^t when assembled together.

And for my part I & many others of my Neighbors of y^e Country found or saw no fault there in; Only that thereby y^e Representatiuies of y^e Poeple were not directed to be Consulted about raising Taxes or making Lawes. That wee vnderstood was vsuall in most other of the plantations, but wee not being states men enough fully to inform our selues in y^e Reasons thereof, & Quereing Our duty, both by y^e Law of God & man, was to yeild due Obedience to all putt in Authority ouer vs with out any further Enquiry, as your selues Submitted thereto, not being fitt to Cavell at y^e form or manner of obtaining thereof (which tho' I haue a great Honour & esteem for y^e learning, knowledge & good parts of many Gent^t with you) I beleive but very few are acquainted with, & why another Commission might not be granted by y^e same Authority to another person & he expect the like obedience, I cannot see any Reafon.

Against y^e person of S^t Edm^d Andros Kn^t & Cap^t Gen^{ll} & Gou^r neither my selfe nor any of my Neighbors in y^e Country (so far as I haue conversed or been acquainted with them) can lay any Just Complaints or imputations, nor can wee see or discern, but in the Administration of his Gom^t tho' it could not bee expected that a poeple who gaue them-selues such irregular liberty in trade (as many amongst vs did) should vpon such a change & alteration light with some inconveniencies

inconveniencyes & losses: where in the law being ag^t vs wee should better haue born with, then vnreasonably resented, Considering that Obedience is better than Sacrifice.

As in all Goverm^ts & Communityes of mankind there are Good & ill men, & perhaps such might bee in Office here, who would not bee Contented with their allowed fees, & perhaps in that particuler of Wills (which if it bee so) my Country Conscience will not admitt That y^t is a sufficient Ground or reason for a greater . . . But that whoeuer is greived in such a nature ought by due Course of Law to seeke redresse, & none are more severe to punish such Offenders then the Lawes of our Native Country, I meane the land of our fore fathers which haue been administred to vs.

My neernes to y^e men of Ipswich haue made me in a great measure acquainted wth the Trouble & disturbance some there & in other parts lately gaue to y^e Gom^t But who they or those of Plymouth haue been proceeded ag^t, I am not so well acquainted with, as the Records may shew forth, which if in a legall & Judiciall manner (as I haue heard they were) I am sure all concernd ought to be satisfied, & Concluded thereby; or in like legall manner seek for redresse to superior Authority.

Tho' some vnauidised expressions are charged in the Declaration to be said both at Councill & at Court which are deemed & possibly may bee very difficult to proue, yet if they were so, it is not (as I conceiue) the inconsiderate sayings of men, but their actions that wee must Judge y^e men by: nor ought a whole Gom^t to be contemnd, or slighted for one of [or] two such, since amongst the best of men, there

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there are failings & in some more then in others. Noe loose & generall Reflections on Goverm^t or perticuler perfons amongst sober & Judicious men affect any other, then to shew y^e vnworthines of the writers.

I haue often heard & sometymes at leisure houres turning ouer the statute booke haue seen an Act of Parlm^t by which a writt of Habeas Corpus is grantable for the liberty & ease of the subject to prevent his being imprisoned without a Cause & that there is a penalty of 500^t inflicted on any Judge or Justice that shall denye the same for which y^e party greived hath his action at law, so that any refused that writt might haue proceeded accordingly: & wee must not suppose That or any other defect in publick Ministers or perticuler persons, where the law giues sufficient Remedy to be a sufficient Argument for those proceedings.

I cannot but take notice of words so angrily & improperly putt together where in the declaration it is said without a verdict yea without a Jury sometymes haue poeple been fined most vnrighteously; whereas in truth there is nothing more just or practicable in y^e law, then for partyes by demurr or other speciaill pleading to bring their causes to issue in Law, & y^e Judges to giue judgment thereon accordingly as I haue been informd; & by reading the bookes of Law haue satisfied myselfe, but I haue neuer [*sic*] any Committed without Cause shwon. I am loath to take vpon my selfe to bee a Casuist sufficient to determine the matter of Conscience about y^e mode of Swearing, the Cavill about w^{ch} has giuen no Small trouble & hindrance to our Civill & Judiciall proceedings. Since my remembrance vnder y^e former Gom^t the mode was by holding vp y^e hand w^{ch} was not enjoind

enjoind as I euer could find by any law, but introduced & Continued by practice, & no other method as euer I could heare of admitted since y^e Chang of y^e Gom: we coming vnder y^e lawes of England, by which y^e mode of Swearing is much different, that by a far longer Custome & vsage requiring y^e Partyes swearing to touch some part of y^e holy Bible or word of God, which I take to bee y^e onely legall Oathe or mode of Swearing, vnlesse another mode were by law appointed, which would be equally alike to me, if it had the same effect in the Law to inforce the discovery of the truth, or prevent or punish perjury, & therefore hauing so much Law & Reason for y^e Requiring thereof, the Same cannot be so great a Greivance if any. Before y^e change of Gom: by Some ingenuous men better skilled in y^e titles of land & manner of Conveyancing then my selfe, I haue often heard vpon discourse with them, That there were mistakes & omissions in y^e passing & Granting of Lands, as well to townshipps as to particuler persons, for want of attending & obseruing the order & method directed in our former Charter for that purpose, and vpon Enquiry into y^e same, I am forcd both by Law & Reason to be Concluded thereby, & to esteem the power Given by his Ma^t: to Confirm our estates and mend those defects to be an Act of his especiall Grace & favour to vs, but I would be glad the same might be procured on so easye termes, as might not bee burthensome to y^e Inhabitants, & that Townshipps might passe in our Genⁿ: Patent, as I am informd has been practiced amongst our Neighbors westward; & haue been told by some in place might be here if desired, which I suppose will giue greate ease & satisfaction, & therfore (as y^e old saying is) I would not
haue

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haue my Country men spoile a sheep for a halfe penny worth of Tarr, nor build too much vpon what will faile them at last, & by being ouer fond of their mistaken Notions make them withstand y^e Good offred & run themselues & Country into further inconveniencyes & troubles. I haue not been a little concernd, at the trouble that hath been given vs by y^e Indians insurreiction to y^e Eastward, & that so many of Our Neighbors & freinds haue been drawn to that Service, & belieue it a Calamity which Our Sins haue brought vpon vs. My remotenes from those parts hath not giuen me y^e opportunity to know the perticulers of its beginning, but as farr as I haue heard what occasioned it, it fell out when his Excel^t was at y^e Southward, & some forces were sent out of Boston into y^e Eastern parts before his return, & I cannot perceiue any pleasure or profit that could invite his Excel^t to expose his person for our Countrymen to y^e hardships & dangers of that service, but onely the tender care & regard he had to Our Safety & honour of Our Nation, both which by his prudent conduct haue been hitherto Kept & preserved, & ought rather to be an argument for our Standing firm & vniting together in y^e bond of Peace, then when the heathen are raging ag^t vs, wee should raise Jelousyes & divisions amongst our felues.

If wee had had the due regard to Our felues & Country and that true value for y^e Noble vndertakings of y^e Prince of Orange as wee ought we should haue rested satisfied with Our Condition, & not haue anticipated that with force & violence, which with mildnes & Justice might haue been soon given vs, euen all the libertyes wee can hope for as Englishmen; for we should not thinke that when God is working

working Generall deliverances for his poeple, wee should haue been excluded, & his own way & tyme is certainly the best, which ought & must be attended; besides wee must consider, that wee haue no power or Authority of Gom^t virtually in vs, but being part of the Realm & dominion of England & vnder y^e Allegiance of that Crown, must as our fore fathers did before vs deriue all our power & Authority from thence.

I would not haue my Country men boast themselues too much on their own Strength nor value themselues too much on y^e Successe of y^e last action, where possibly the prudence of those in place was not the least meanes of preventing bloud shed, who rather Chusing to Stand & Justifye their Action, then basely run away and forsake their Trust, ought by all good men to be more esteemed & regarded, and Justice and not Anger ought to take place. I am so far from thinking of an Election, & so are many of my Neighbors, that I thinke it equally as dangerous & vnwarrantable, to take vp Our Old Gom^t according to Our Charter, as to set vp a New; Since 'tis admitted That Our Charter by Judgm^t of Law was Condemnd, and Our Libertyes seized into y^e Kings hands, who hath since fetled another Gom^t ouer vs. How euer erroneous the proceedings were, in the obtaining thereof, yet I am Certainly informd it remaines Good vntill reverf'd, & I find by y^e printed papers, that lately came from Eng^d that there was no way to restore the privileges to Corporations in Eng^d ag^t which Judgm^t was Entred, but by Granting New Charters to them which y^e King ordred to be prepared & passed without fee; & I hope all our Countrymen

Countrymen, when they Consider it, will be of the Same minde.

What moued my Country men so hastily & violently I cannot yet learn, & doubt much if euer I shall find a true reason for it, but think it was very well that so many prudent & able men did interpose to prevent the worser effects of a Giddy & enraged multitude, who for that action may be termed the Saviours of their Country & their own honour, if their future actions be agreeable to their then vndertaking: & therefore that wee may rather see of our own faults & mistakes then haue them told vs by others, & by that meanes faue our Country from any blott or imputation & our persons & estates from y^e Censure of y^e Law, lett vs Seriously thinke & Consider, in whose hands the Care & Gom^t of this poeple is lawfully placed, & the Authority wee haue to remoue & displace them & sett vp others in their sted; & when these things plainly appeare to vs, let vs with that Duty & obedience which wee ought, addresse & submitt ourselues to those which haue Authority ouer vs, that wee may be alwayes found Doing our dutyes, not doubting but from them (as heitherto) wee may haue security & protection according to law & the full benefitt & enjoyment of all orders & privileges, as are all dayly expected from England, by which alone wee must be directed.

And that this my humble Advise may take place in the minds of all my Neighbors & Country men, produce a free & Generall pardon & indulgence for all mistakes past, is the hearty desire & prayer of him who intirely wishes the peace happines & prosperity of our Sion, & that God in loue may dwell and abide with vs. You may Communicate these thoughts

thoughts to whom you please, & if you thinke convenient
lett them haue the fauour of the preffe.

I am S:
your very affectionate freind & seru^t

C: D:

[*Endorsed*] 1689
Answer to y^e Boston
Declaration.

CONSIDERATIONS HUMBLY OFFERED TO THE PARLIAMENT

shewing

That those Charters relating to the Plantations were taken away, upon quite different Reasons from those in *England*, these Charters being Seized for the abuse of their Power, in destroying not only the Woollen and other Manufactures, but also the very Laws and Navigation of *England*, and making themselves as it were Independant to this Crown.

State Papers, Board of Trade, New England, Vol. 5. p. 247.

[*Printed sheet.*]

All His Majesties Plantations in *America*, have been either Discovered, or Peopled under the Encouragement of Charters from the Crown of *England*, and several Great Powers and Priviledges have been Granted to Proprietors, and Corporations with restrictions, nevertheless that they should depend on the Crown, and as they have their Protections from thence, and from *Old-England*, so it was always understood that those Priviledges, and especialy the Powers of

Documents and Letters.

II

of Government should be exercised so by the particular Proprietors and Corporations, as not to prejudice the Interest of *England*; but upon all occasions procure the Benefit, and be created by the Authority residing in *England*; and as often as the Proprietors and Corporations, have Acted contrary hereunto their Powers have been Questioned and Set aside. So the Great *Charter of Virginia* in the Year 1632. was voided, and the Government of that Colony has ever since rested in the Crown, so the Charter and Propriety of the Earl of *Carlisle*, which made him absolute Lord of the *Carribee Islands*, was call'd for at the Council Board, in the Year 1663. and there surrendred. So the Charters for the *Newfound-Land* in divers Reigns, as they became prejudicial to the Fishery, which is of so great importance to *England* were set aside. So were many other Charters annulled in the Reign of King *Charles the First*, and King *Charles the Second*, Vacated by *Quo Warranto's*, or otherwise it being not thought reasonable, that while they enjoyed all other advantages equally with their Native Country of *England*, they should abuse the Priviledges Granted them by Exporting *Wool* and other materials for Manufacture, besides *Tobacco* and *Sugar*, &c. to *France*, *Hamburg*, *Holland* and other places in *Europe*, and Importing back from those places not only *Linnen*, but *Woollen*, and all other Manufactures (which should be of the English growth) Custom free, and this not only for their own Consumption, but also supplying therewith most parts of the World particularly the English Plantations, which according to the Act of Navigation ought to be supplyed from Old *England*, after Customs paid in and out, whereby they were inabled to bring

bring those Goods 50 *l. per Cent.* Cheaper to their Market there, than our Merchants could, which Trade encouraged their Building some Hundreds of Ships which were imployed in those illegall Trades, to the ruin of the English Navagation, and tho their Ships built there, by our Law were as Free as these built here in *England*, yet not above Ten of them all do yearly come directly for *England*, but were imployed so indirectly as aforesaid.

For these and many such like weighty considerations, and other practices inconsistent with the Interest and Government of *England*, in the last Year of the Reign of King *Charles the II.* the Charter of the Colony of the *Massachusetts Bay* was vacated upon a *Scire Facias*, Proof having been plainly made, as it may be again when it shall be necessary, of their assuming the Regal Power of Coyning many and different species of Silver, giving a baser Allay, than is practiced in *England*; Their making Laws and putting them in Execution for imposing *Taxes* upon the Shipping and Manufacture of *England* coming into their Ports, discouraging as much as in them lay the Trade of the English, thereby to render the Shipping of their own Built the more Valuable, and restraining and discountenancing the Execution of the Acts of Parliament by their Printed *Cal. 14 & Cal. 25.* Laws. Their Imposing an Oath of Fidelity to their Common-wealth as their Law Book terms it.

Their Incroaching upon the Neighbouring Colonies possessing themselves in a Hostile manner of the Propriety of others not Subject to their Government, and upon Complaints, Petitions, and Orders at the Council-Board, giving no Redrefs, but even Affronting and contemning the Authority

Documents and Letters. 13

thority of the Commissioners appointed by King *Charles* the Second to determine the Appeals of others against the Invasions of that Colony. Their making Laws against all other Opinions in Religion except that of the Congregational Churches, and more especially against that of the Church of *England*.

Their Treating ill the Captains of the Kings Ships in time of War, for desiring permission to recruit themselves with Men and Victuals, in Order to pursue the Kings Service in the Protection of his Subjects in those Parts, particularly those belonging to the Fishery.

Their entertaining Pirats, and Encouraging them to come and Victual there.

In the mean time they remain Free from all Taxes and Impositions, which now, or at any other time are laid upon *England*, without contributing in any manner to the Aid of the Crown, or even to their own Protection or support.

The People of *New-England* in General are better satisfied with the present Government, there being only some Men in former Authority, that desire the restoring the Charter; And if they shall be at Liberty again to Exercise their Unlimited and Arbitrary Power, they will draw the Inhabitants, and especially the Labouring and Manufacturing People of *England*, who will find it more easie to live there, than in their Native Country; and as the same Manufactures are now carried on there that are set up in *England*, so by this farther Encouragement, as they will not depend in Government, so they will carry on a separate Trade to the palpable Impoverishment of *England*, and highly prejudicial as well as contrary to the Laws thereof.

The

The Restoring of this Charter will also be of very great Advantage to the *French*, who Border upon *New-England*, and will daily make Incursions upon them, which they will be the better enabled to do by such a dis-union of this and the many other Colonies of *New-England*, and their Independancy upon the Government of *Old England*.

Nor was thCharter first prosecuted in the Late King's Reign, but in the Reign of King *Charles* the I. tho' no Judgment was Recorded, the Wars preventing till the Reign of King *Charles* the II. Neither was it done then upon the late Measures, but upon other important Reasons of State, some of which are above-mentioned.

Upon the Dissolution of this Charter, the Illegall Trade, so Notoriously carried on by the People of *New-England*, was then stopt, which when they found, and that they could not Trade but upon even Terms with others of His Majesties Subjects, some of the Inhabitants of *New-England* brought over several Indications of Mines of *Copper, &c.* which they had discovered some Years since, but were not arrived to Estate enough to opperate the same themselves, and being prevented in their former Trade were willing to take in Partners here in *England*, with whom they joyned in a Petition to the Late King *James* to be Incorporated with certain Priviledges and Immunities, the better to enable them to go on with the Undertaking, which was graciously Received, and in all Probability had been Accomplished before now, had not the late Revolution hapned, several of His Majesties Subjects having Subscribed a Fond of near 100000 £. for carrying on the Work, and have already expended considerable Sums of Money upon Experiments,

ments, and to obtain a Charter of Incorporation. But since the Vote passed in the House of Commons for the Restoring of Charters and Corporations to the same State and Condition they were in the Year 1660. The *New-England* Men hoping thereby to be Restored to their Old Government, whereby they might re-assume their former Power, and with the same Freedom as heretofore, prosecute their former Illegal Trade. They have withdrawn themselves from any further Solicitation for the Charter for Working the *Copper Mines*, pretending that when their Old Charter is Restored, the King has no Immunities to Grant; but if the Partners will go on, they must Petition their Government for it; proposing, that the Company (for the Management thereof, which was intended, to reside here, and would have brought in a considerable Profit, as well to His Majesty in His Revenue as to the whole Nation) should reside in *New-England*, and that all the Stock should be at their Disposal which will wholly overthrow the Undertaking. For that such as having Estates in *England* are concerned in their Undertaking will never agree, that their Stock shall be transported to Parts so far remote, and under a Government so Independant upon the Crown as *New-England* will then be. Whereas, should this Undertaking succeed, and the *Mines* prove as good, as by the many Experiments the Undertakers have made of them, may be reasonably expected, that Plantation would more enrich this Kingdome, than all His Majesties Dominions besides.

If these People be not prevented of their old way of Trade, they being so Large and Fruitful a Country must necessarily in a short time destroy the Trade of *England*, by improving those

those Manufactures which the chief Trade of *England* depends on, and they do in some measure already effect it; And this cannot be done if they have the Government in their own hands, but may with ease be performed by the King's Superintendance, whose Officers may have such Instructions, as shall divert them from all prejudicial Trade, and incourage such as may redound, as well to theirs, as to the advantage of *Old-England*, and nothing can be thought of comparable to their *Mines*, which will occasion reciprocal returns, and serve them as a Staple commodity of which they have now none.

Should the Charters for Plantations be restored, as they were in the Year 1660. then all those Grants made by any of the Kings Governours, since such Charters were seized would revert to the Old Government, and many Families ruined thereby, they having laid out their Substances in subduing or clearing such Tract of Grounds as the Governours granted them, and built upon them, paying only such a quit Rent yearly to the Crown.

It is desired, That the Charter of the Massachusets Bay in New-England, their Law Book, and the Acts of Trade, and Navigation of the 14th and 25th of King Charles the II. be read.

ABSTRACT OF THE PROCEEDINGS OF KING CHARLES THE FIRST AGAINST THE MASSACHUSETTS.

State Papers, Board of Trade, New England, Vol. 5. p. 334.

Vpon the many and great Complaints made to King Charles the first by divers of his Subjects inhabiting New England,

England, of the violences committed by the Massachusets, His Ma^y Commanded the Council of Plimouth to give him an Account what people they were, and by whose Authority there Setled, His Ma^{ie} supposing it to be done by the said Councill, which the said Councill disclaiming to be done by any act of theirs, and his Ma^{ie} finding that a Grant had been surreptitiously and illegally obtained under His Great Seale without His Ma^y knowledge, His said Ma^y caused a Quo Warranto to be brought in the 11th Year of His Reign, against all the Members named in the 1st Patent of 4° Caroli, whereof the Governor, Deputy Gov^r & major part appeared, and disclaimed the said Charter, the rest were Outlawed, and although Mathew Cradock y^e Gov^r did Disclaime, yet his Disclaymer was not allowed of And Judgment was Given, that the Liberties of the said Corporation of the Massachusets Bay, should be Seized into the King's hands, and the Body of Mathew Cradock to be taken into Custody for Usurping such Liberties.

Whereby it is presumed the King determined His own Grant of 4° Caroli. Not above five persons named in the Patent of 4° Caroli ever inhabited in New England.

An Order of Councill was directed to the then Attorney Generall to bring in the Charter to the Councill Board or to the Lords of the Councill of Plantations, and is verily supposed was accordingly brought in and Cancelled.

The Wars immediately ensuing in Scotland and England there was no more done, only S^r Ferdinando Gorges was Constituted by His Ma^y Generall Governor over all New England. But the Rebellion stopt his going over, he serving His Ma^y in his Warrs in England.

The Massachusetts Governm^t have Committed these Crimes
and assumed Powers not Granted in their Charter of 4^o
Caroli.

1. They have Erected a publick Mint in Boston and Coined mony with their own Impres.
2. Have put his Ma^t Subjects to death for matters in Religion, and otherwise.
3. Made Lawes absolutely repugnant to the Lawes of England.
4. Invaded the Neighbouring Colonies, and by fforce of Armes Subjected them to their Government.
5. Levied Taxes, Customes, Excise, Poll-mony &c. upon his Ma^t Subjects by their own Authority.
6. Denied the Inhabitants the Exercise of Religion Established in England.
7. Denied any Appeals to England.
8. Violated all the Acts of Trade and Navigation and all other his Ma^t Lawes.
9. Declared themselves a Common Wealth and have Acted accordingly.
10. Protected Goffe and Whaley the late King's Murthers by vertue of their Law, altho' Demanded to be delivered up, and contrary to His Ma^t Express Command.
11. Have violently and by fforce opposed His Ma^t's Commiss^r in the Execution of their Cōmission in 1665, and without the Limitts of their Patent.
12. By fforce have turned out His Ma^t Justices of the Peace in the Province of Main (Established there by His Ma^t Commissioners) in 1668.
13. Have not taken, nor doe Adminisiter to y^e people there Inhabiting,

Inhabiting, the Oaths of Allegiance and Supremacy, as is Commanded in the said Patent.

14. Have Enforced an Oath of Fidelity to be taken to that Government by all Persons as well Inhabitants as Strangers.

15. Have Granted Commissions in their own and not in His Ma^t name.

16. Deny Baptisme to Children whose Parents are not in Church Fellowship.

17. Have Arbitrarily Fined People that refuse to come to their meeting houses, and whipped others for not paying their fines.

18. Have fforbid the Observation of Christmas Day and other Festivalls of the Church, under a penalty.

19. They Impose a Duty upon all Shipping not built within their Jurisdiction.

20. They have Altered the Number of their Assistants from Eighteen to Ten.

21. They have changed the Daies of their Gen^l Courts and Contracted the Number from Four to Two yearly.

22. Have Erected and Annexed to the Gen^l Court a Court of Deputies to make Lawes.

23. They pretend to an absolute Authority without any Dependance on His Ma^t.

24. They alone of all His Ma^t Dominions, pay no acknowledgment, or own any Service to y^e Crowne.

[*Endorsed*] Abstract of the Proceedings of
King Charles the First against
the Massachusets.

FROM

FROM M^r. RANDOLPH TO M^r. CHAPLAIN.*State Papers, Board of Trade, New England, Vol. 5. p. 123.*

Boston Oct: 28: 89.

S:

I cannot without greife & astonishment, write you the ill
Treamt S: Edm^d Andros meets with at the Castle, according
to y^e Relation I receiued from a Gen^t to whom he yesterday
made it known, & did see that S: Edm^d was kept in A low
Room 17 foot long 9 foot broad, in which stand: 2 bed-
steds, 2 close stooles, a table & other their necessaryes: &
this is the whole accomodation allowed him & M^r Graham
to reside in day & night: there is no Chimney in it, nor can
be, vnlesse when they haue a fire they burn their beds: when
they eate they open the doore and sett their table part out
of y^e Room, & not aboue 2 can sitt at it: it stands so low,
that the Raine stands in the flower 5 or 6 inches & rises some
tymes higher: 'tis built so that the Castle Walls make two
sides of the Room & what Raine falls vpon them Soakes
down so that 'tis alwayes very Damp. They are lockd vp at
6 at night & the Doores not opned till 8 next morning, &
not 5 foot to walke in all that tyme. His seruant is not
permitted to come to him to affit him in case of any acci-
dent; & now y^e winter approaches the passage betwixt Bos-
ton & y^e Castle is very hazardous & vncertain: so that
vnlesse y^e weather favour he may want Bread & beer 5 or 6
dayes together, & vnlesse he bee speedily remoued the Cold
will kill him: this has been represented by some Gen^t to y^e
Gou^r & Councill; they pretend they are sorry for it, but I
heare as yet of No redresse: his keepers Name is Cap^t ffaire-
weather,

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weather, a very strict zelott & Church member. His villany is not to be forgott: the Gou^r has preferued a Great stock of Rabitts vpon y^e Island on which the Castle is; this ffaireweather kills & destroyes them, treats his freinds with them, & has not presented one to y^e Gou^r, nor suffers his own Cook to dresse his Diett for him: the Gou^r had vpon the Island a Milch Cow, being a very great louer of Milke; this Cow has ffaireweather Carried to Boston for y^e vse of his family, so that the Gou^r can by no meanes gett any milke, but insted thereof drinks water: this is another demonstration of his extraordinary profesiion of Religion. I thanke God I haue gott me a little place in the Common Goal; but am in danger to be stunk vp by the Goal being filld vp with poor prisoners, especially wounded men who rott & perish for want of one to dresse their wounds: from the mercyes of such cruell men Good lord deliuer vs. Pray present the inclosed papers to such of your freinds as you think will read them: two or 3 to my wife if you please; pray lett her know that I am well, & that I am S:

your most obliged freind

EDRANOLPH.

I know not who are in y^e Commission of y^e Admiralty: if you see any of them pray make my excuse for not writing to them.

[*Endorsed*] N : England

28 : October 1689.

From M^r Randolph to

M^r Chaplin.

Rec^d from M^r Chaplin
the 28 Feb : 1689.

MR.

MR. RANDOLPH TO DR. COOK.

Collection of Papers, by T. Hutchinson, Prince Society, Vol. II. p. 318.

Common Goal, Nov. 25th. [1689]

Sir,

Your treating Sir Edmund Andros like a gentleman when you were last at the Castle, shall be remembered with respect. By letters from my friends in England I hear I am (but what means I know not) made their Majesties prisoner and to be sent safe to Whitehall, 'twill be a favour to me and the rest of the gentlemen with me if the poor wounded man, who has lain 16 days rotting in his own excrement, might be taken and removed into some other warm place, that we be not infected with the vehement stench; and christianity directs that he be not suffered to perish and others with him for want of speedy redresse, twill be an aggravating circumstance of our imprisonment. If you please to call on me as you come this way and taste a glasse of cyder you shall be welcome. Be confident nothing shall render me otherwise than a hearty friend to all good men.

I am yours,

ED. RANDOLPH.

TO THE COM^{RS} OF THE CUSTOMES BY WAY OF BILBOA.

State Papers, Board of Trade, New England, Vol. 5. p. 148.

Common Goale Dec. 12th 1689.

May it please yo^r Hono^r.

The traders of this Country have obteined their end, for since their imprisoning S^r Edmund Andros & my selfe their vessells

vessells come into their ports from prohibited Countrys without disturbance. We have had two from Holland, three from Scotland, which makes scotch cloath a drugg. I have informed the severall Officers in Barbados, Virginia &c, thereof, to y^e end they may make strict search aboard all vessells from hence. This people will have noe supplyes from England, finding the profitte of tradeing against law in a Country where they are favoured by y^e Governm^t. Five vessells are Come in from Newfoundland with brande Oyle &c. : a Pink has imported from y^e streights Alligant wine Portaport & oy^t Cōmodityes of those Countries : Masters from Virginia & Maryland unload tobacco without producing a certificate that they have given bond according to law: in a little time this place as formerly will become a ffree port, till the people are by a force convinced of y^r errour & the whole Country brought to an intire dependance upon y^e Crowne. His Mātys Gracious letter of y^e 30 of July requiring that S^t Edmund Andros my felfe & oy^m be sent upon the first ship to Engl^t, &c., was delivered to M^t Broadstreet the 24th of Novemb^r but as yet they have given us no notice of it, nor will they permitt us our liberty to goe out of goale to pvide necessaryes for our voyage, neither have they determined what ship to put us aboard.

I have wrote to y^r hono^r by severall ships from hence & alsoe by way of Virginia Barbados, &c. which I hope are come well to yo^r Board. The ffrench have taken 7 fishing Ketches (belonging to Salem) off Cape Sables & a Brigantine of Boston of 40 Tunns in her returne from Newfoundland loaden with wine oyle & brandy. I returne my humble thanks for yo^r Hono^r care of me & pcuring my enlargem^t

I expect in tyme to have y^e benefitt of it & that this people may be made trully sensible that its their intrest as well as their duty to submitt intirely to the Crowne & to those acts of Parlia^t which particularly respect the trade and welfare of this & all oy^t their Ma^{ys} forraigne Plantations & remaine in all duty

Your Hono^r

most humble & obedient Serv^t

E RANDOLPH Coll.

[Endorsed]

Copy.

To the Hon^{ble} the
Comm^r of their Maj^{ies} Customs |
by way of Bilboa.
N. England.
12 Dec: 1689.
From M^r Randolph.

REQUEST OF DUDLEY, RANDOLPH AND OTHERS TO KNOW IN
WHAT VESSEL THEY ARE TO BE SENT TO ENGLAND.

Massachusetts Archives, Vol. XXXV. p. 110.

Prison in Boston 13th Dec^r 1689

Gentlemen

Cap^r ffayerweather yesterday by yo^r Ord^r brought us the Signification of his Maj^{ies} Commands, to which wee doe with all duty and Readynesse humbly submitt. And desire yo^r to lett us know when & upon what Ship yo^r Designe to send us. And to order our Enlargement upon such Secur^tity

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ity as yo^a think fitt to Demand, that wee may settle our
private Affairs & prepare Accordingly, Wee are yo^r
Humble Servants

J. DUDLEY

ED. RANDOLPH

J. PALMER

JOHN WEST

JAMES SHERLOCK

GEO. FFARWELL.

M^r RANDOLPHS DEMAND OF HIS PAPERS.

State Papers, Board of Trade, New England, Vol. 5. p. 152.

Gentl

Inasmuch as his M^{tye} has Commanded me to attend at
the Councill Chamber Whitehall to answer such matters as
shall be there objected against me, I therefore desire & expect
that you forthwith order that all my papers letters books &
writeings whatever seized upon & caryed away from me may
be all delivered unto me. I rest

Yo^r assured freind & humble
servant

E R.

There are severall books of Records belonging
to the province of Newyork & alsoe a parchm^t
Roll of the laws of y^t place und^r yo^r custody;
these alsoe (as Se^cry to y^t Province) I take it to
be my duty to demand.

To y^t Gou^r Councill & Represen^t.

Common Goale the 13th Decem^r 1689.

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[*Endorsed*]

[*Endorsed*] N. England
 13 Dec: 1689.
 M^r Randolph's Demand
 of his Papers, &c.

**LETTER FROM GOVERNOR ANDROS AND OTHERS RELATIVE
 TO THEIR BEING SENT TO ENGLAND.**

Massachusetts Archives, Vol. XXXV. p. 149. 26 December 1689.

Gentlemen,

Whereas upon y^e signification of y^e 12th instant that you had received his Maj^{ies} Comands requiring you the Govern^r and Councill to send us forthwith on board y^e first ship bound for England to answer before his Ma^{ie} what may be objected against us, and being certainly informed of two Ships in this Harbour forthwith bound for England — Wee did the day following being the Thirteenth Instant acknowledged y^e favour of y^e sayd Intimation, And did then request that in Pursuance of his Ma^{ies} sayd Comands wee might be forthwith put on board one of the sayd ships &c. wth not being yet attended, therefore in further discharge of our Dutyes wee doe renew o^f f^l Request, and againe Demand that his Ma^{ies} sayd Commands may be effectually executed by o^f being forthwith put on board one of the sayd ships and the same p^{rs}ently dispatched for England without further delay accordingly.

JA. GRAHAM

JOHN WEST

JAMES SHERLOCK

GEO. FFAREWELL

E. ANDROS

J. DUDLEY

ED. RANDOLPH

J. PALMER

December 26th 1689

EDWARD

EDWARD RANDOLPH TO MAJOR BROCKHOLES.

New York Colonial Documents, Vol. III. p. 664.

Letter intercepted by Leisler from M^r Randolph to Major Brockholls.

Common Goal Dec. 28. 1689.

I received this morning your letter of y^e 18th instant by w^{ch} I find that your rebbells are no changlings, & Leisler and his partners make true the proverb, fett beggars on horseback and they will ride to y^e Divell. I am well assured y^t y^r letters sent by Riggs ought to be putt in y^e hands of y^e members of y^e Councill and y^e Justices of y^e peace; but its fallen out very unhappy for those who must live under y^e fury of a conceited rabble. Our people are much concerned to know what to do with us; they know if they send us home and have nothing to charge upon us, 'twill not found well on their side. They meet in 2 or 3 dayes, they adjourn and do nothing as they ought. The Governo^r and wee have wrote to them twise. I have wrot 2 letters in my own busines, & their wise worshipps give us no answere; they are at their old trade of wheedling at home, and delaying us here in hopes to gett their charter; expecting y^t all gent^a even the Lords of y^e Councill who have formerly been for vacating their Charter, shall be putt out of their places. The Gov is of opinion wee shall be all sent speedily, but 2 or 3 shippes are now ready; they have embarg'd them for their pleasure. Capt. George received orders to go for England and Convoy home y^e 2 masts Ships, arrived at Piscataqua; he has laid his ship by y^e wharfe, taken out his gunns and powder (a very scarce Comedy here) I feare he will meet with

with trouble from his men, when he cannot keep them aboard, and y^e same men who made them mutiny before, are as ready (as ever) to y^e like or worse damage to him and his ship upon y^e first occasion. Sir, God send us well to England; I will not omitt y^e commands relating to y^e pay of your Companyes, nor any thing which falls in my power to be serviceable to your concerne at home or in New York. My humble service to y^r Lady and to Col. Bayard. I shall be glad to receive a letter from you directed to me at y^e Plantation Office. Wishing health and a happy settlement to your Province and to all your affaires,

I am S^r your assurred friend & serv^t

EDW. RANDOLPH.

My service to Coll: Dongan &
Coll. Smith when you see him

To Major Brockholes at
New York. Present.

FROM M^r RANDOLPH TO THE COMMITTEE.

State Papers, Board of Trade, New England, Vol. 5, p. 158.

Common Goal, Jan^r 10: 1689.

May it please y^r Lord^s ^{PPS}

On y^e 24 of No^ber M^r Bradstreet (hauing euer since y^e 18th of Aprilill last assumed y^e Title & Office of Gou^r) receiued from M^r Riggs his Ma^{ter} letter of y^e 30th July part whereof onely was printed & added to their Agents letters, like an Advertisem^t to a Gazett (as by paper N^o. 1) the word "forthwth" was omitted on purpose, the easier to impose upon

upon y^e poeple & make them beleive that his Ma^{tie} has referrd the number of Persons, the tyme when, & the ship upon which S^r Edm^d Andros etc: are to be sent to Eng^d: to their manage & direction. His Ma^{ties} letter of y^e 12 of Aug^t sent them by M^r Mather was receiued on y^e first of Decem-ber: & being putt into a black box was carried by an Officer before M^r Bradstreet to y^e Town house: w^{ch} they Caused to be printed with a feigned title & Counterfeit Cypher of a Seal (as in paper N^o 2); many Copies thereof were Dispatchd into all the Townes of y^e territory, inforcing a Creditt upon y^e poeple that it had his Ma^{ties} Broad Seal affixed to it, vnder Colour whereof they haue laid a Tax of Seaven Rates & a halfe vpon y^e Colony amounting to aboue 10000^l. They haue held a Court of Assistants & Condemnd a Male-factor vpon breach of One of their Capital Lawes, who was lately executed to ffrighten the poeple vnto an intire sub-mission to their Gom^t.

Vpon y^e 12th of Dec^{ber} Cap^t ffaireweather by Order of y^e Councill read a paper to S^r Edm^d Andros & others, signifi-ing their Receipt of his Ma^{ties} letter of y^e 30th July: Where-upon hee with others concernd sent letters (N^o 3: & 4:) to them, in which are expressed Our Gratefull acknowledgm^t of his Ma^{ties} grace & favour, & our ready subission to his Royall Commands, & hoped they would forthwth putt vs aboard the ship Blossom then ready to saile for Eng^d: the Master was tyred out with dayly attendance vpon a promise of obtaining a Let passe from M^r Bradstreet, Butt on y^e 24th following an Embargo was laid on all ships bound for Europe, insomuch that vessells loaden for [with] fish bound for Cadiz are thereby hindred their Markett. The Councill hauing

hauing refused to answear Our Letters of y^e 13th of Decem-
ber wee wrote a second letter to them (N^o 5) vpon y^e 26
ffollowing, of which they haue likewise taken no Notice;
they pretending the Representatiues cannot be perswaded
to a resolution what to do with vs: but on y^e 4th of Jan^y
instant (two days after they executed the Malefactor) they
Caused y^e paper (N^o 6) to be printed, being a Declaration of
the Authority & Gom^t repos'd in them by y^e poeple, &
favoured (as they say) by his Ma^{ties} letter of y^e 12 of August.
Amongst the various Reports brought vs in Goal, 'tis said
the Councill & Representatiues haue drawn vp an Addresse,
humbly praying his Ma^{ties} to grant them a Charter, & that
they intend to send it by a Vessel privately to be dispatchd
from hence before they putt S^t Edm^d or any of us aboard.

I find by many printed papers sent hither by M^t Mather
That great solicitations haue been made by him & his
freinds both to his Ma^y, to some of your Lordf^{ps} & to y^e
House of Commons to obtaine a Charter, as if it were a
Nationall Concern. I humbly intreat y^r Lordf^{ps} to belieue
that its highly necessary for His Ma^{ties} Seruice that affaire
were delaied vntill the arrivall of S^t Edm^d Andros, my selfe
& others; to giue his Ma^{ties} and y^r Lordf^{ps} an account of y^e
Miserable & distressd Condition of this whole Territory,
made so by y^e Arbitrary Managem^t of a factious & bygothed
Party onely: and in the meane tyme, I humbly offer it as a
matter of great import, to Consider & examine how y^e first
planters of this Colony became posses^sd of the Charter
granted to S^t Henry Roswell & others in y^e yeare 1628: of
which neither in England nor in this Country hath one step
euer apperead. Besides its plain, both by y^e Charter it selfe
&

[REDACTED]

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& also by y^e Doquett thereof) which I long since transcribed out of y^e Records of the Pryvie Seal Office (whereof the paper N^o. 7 is a Copy) that the Charter of y^e Massachusets Bay in N[:] Eng^d. (as those of y^e East India & Royall Africane Companyes) is to be managed in Eng^d onely: which was accordingly done by S^t Henry Roswell & Patentees soon after the Grant thereof.

All which is humbly submitted
by, etc :

EDRANDOLPH.

[Endorsed] New England.
 10 Jan⁷ 1689/90.
From M^t Randolph
to the Committee.
Rec^d 2 Apr : 1690.

RANDOLPH'S ANSWER TO MATTERS OBJECTED AGAINST HIM.

State Papers, Colonial, Entry Book, 62, p. 202. 24 Apr. 1690.²

Edward Randolph likewise humbly answers that about the yeare 1679 he was appointed Collector of the Customes in New-England pursuant to an Act of Parliament with full Power to put the severall Acts of Trade in Execution there, which with great difficulty and hazard of his life he soe pursued that y^e irregular Trade was stopped, but thereby made himself obnoxious to the Government which chiefly consists of Traders who have openly denyed and opposid his Commission and declared that neither the Acts of Trade nor any Law of England were in force with them till Ratifyd and Allowed of by their Representatives in a Generall Court,

² Date of presentation at Committee.

Court, And taking no further notice of those Acts they openly continued their illegall Trade notwithstanding many Admonitions and Commands to the contrary, sent to them from His late Ma^{ie} King Charles the second and from this hono^{ble} Board whereupon the prosecution of their Charter which had been commenced in the Reigne of King Charles the First, but was interrupted by the troubles soon after Ensueing here in England, was againe Continued, and after many Evasions and delays on their side to answer here, the said Charter was Vacated by Judgement on a Scire facias brought in Chancery in the Reigne of King Charles the 2nd. And the said Edward having been chiefly Employ'd by His Ma^{ie} Attorney Gen^l in the said Prosecution was the chief cause the said Edward Randolph ever heard for his most cruell and tedious Imprisonment in the Common Goale as may appeare by the Resolution of their Representatives at Boston in a pretended Generall Court the 28th day of June last where it was Resolved that the said Edw^d Randolph and the other Prisoners now attending your Lōps were not Bailable, having broken a Capitoll Law of that Colony in Endeavouring and Accomplishing the Subversion of their Government which by the said Capitoll Law of their own Invention is punishable with death.³

That the said Edward Randolph doth further say that he had the honour of being one of y^e Members of the Councill in New England, and that during the time of S^r Edmond

Andros

* In November, 1640, "The Commons were asked to declare that Thomas, Earl of Strafford, hath traitorously endeavoured to subvert the fundamental laws and government of the realms of England and Ireland, and instead thereof to introduce an arbitrary and tyrannical government against law." See *Fall of the Monarchy of Charles I.*, by S. R. Gardiner, Vol. II. p. 27, 1882.

Andros Government did faithfully Act for the honour and Intrest of the Crowne and the Generall Good of that Plantation, and denies all manner of Confederacy with S^t Edmond Andros, or that he joyned with him in making any Arbitrary Laws & Impositions or in threatening and punishing them who would not comply therewith: which is most humbly Submitted.

M^r. RANDOLPHS PET^R TO BE RESTORED TO HIS IMPOSITION.

Board of Trade, New England, 5 (p. 206). 22 May. 1690.

To the Kings Excell^t Maj^y

The humble Petiōn of Edw^d Randolph Sheweth

That severall Eminent Merchants in Lond^o setting forth by their Petiōn to His late Ma^y King Charles y^e Second y^e great Daīages Sustein'd in Their Trade, and far greater Loss to the Revenue of the Crown By the Irregular Trade of the Inhabitants of New England, his said Ma^y in y^e year 1676 sent Your Petiōn to New England with Express Order to Inspect y^e Trade and State of that Country and to make Report thereof at his return to England.

That in the Year 1679 The Comⁿ of the Customes being inform'd that y^e Acts of Trade were not Observ'd in New England Appointed Your Petiōn by Their Deputaō to be Collector of y^e Customes, with Instructions to put those Acts in Execution, In pursuance whereof Your Petiōn seized upon and Prosecuted Vessells and Goods Illegally Imported, but was opposet in Court by y^e Governm^t of y^e Massachusets Colony, Declaring openly that y^e Acts of Trade were of no Force

Force in that Country, Whereupon His said Ma^v did in y^e year 1681 Erect an Office of Collector of the Customes in New England by Commission under the Broad Seal, and Appointed your Petitioner to mannage y^e Same, who Obliged y^e Inhabitants (as far as in him Lay) to Conforme to y^e Acts of Trade.

But severall Persons in that Colony who had always opposed the Authority of England and the Acts of Trade, being Highly Offended at your Petitioners Proceedings, took Advantage of the Present Revolution and on y^e 18th day of April 1689 Seiz'd upon your Petitioner Attending Your Ma^v Service in the Councill Chamber in Boston, and Committed him to a Strict and Close Imprisonment in the Common Gaol without any Mittimus or Cause affigned, where he was Treated Tenn Months wors than Pirats and Felons, his Fellow Prisoners, And must have Perished there, had not Your Ma^v been Gratiouly pleased by your Royall Letters of the 30th of July last directed to such as had taken upon them y^e Governm^t to Command them to Send Your Petitioner hither to Answere before Yo^r Ma^v w^t might be Objected against your Petitioner. That during y^e time of Your Petitioners Confinement some Persons here in England (well knowing your Petitioner was sent for and coming over) tooke the Advantage of Your Petition^r Absence and Obtein'd a Grant of your Petition^r said Office under the Great Seal of England before your Petitioner could Answere for himself. Now in as much as Your Petition^r since his Arrivall has Attended the Councill Board, and nothing Charged upon him by the pretended Boston Agents, And that Your Ma^v has been Gratiouly Pleased by Your Order
in

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in Councill of the 24th of April last to discharge Your Petitioner

Your Petitioner therefore humbly Prayes Yo^r Ma^y to take his many years Services of the Crowne, together with the hardshps and Cruelties Sustein'd by him, into Consideracon and to Order That Your Peticon' be forthwith Restored to Such Offices and Places in New England which he Enjoyed at the time of Yo^r Ma^y happy Accession to y^e Crown.

And Yo^r Peticon' &c.

[Endorsed] M^r Randolph's Petition to be Restored to his Employm in New England.

Presented to ye Councill the 22 May 1690.

Read the 19th of June.

M^r RANDOLPH'S ACCO^R OF IRREGULAR TRADE IN N: ENGLAND SINCE Y^E REVOLUTION.

State Papers, Colonial, Entry Book, 62, p. 231 [1690].

To the R^l Hono^{ble} y^e Lords of their Ma^t most Hono^{ble} Privy Councill.

A Short Acco^r of the Irregular Trade carried on Since the late Revolution by the Inhabitants of New-England, but especially by those of the Massachusetts Colony.

Humbly presented by Edward Randolph May it please yo^r Lōps.

Vpon the Petion of severall Merchants in London complaining of the loss they Sustained in their Trade by the Bostoners trading contrary to Law His late Ma^t King Charles the Second in the year 1676 sent me thither with Orders

Orders to inspect their Trade and Report the same at my Return. In the Year 1679 the Comⁿ of the Customs pur-suant to the Acts of Trade being Informd thereof, ap-pointed me to be Collector of the Customs in New Eng-land, with Instructions to Seize and Prosecute all Goods & Vessells trading contrary to Law, Upon my Arrivall there (and at other times) I performed my Duty with great dili-gence and zeal, tho' often with difficulty and hazard of my life, but was alwaies opposed in open Court by the Magif-trates, and my Seizures & prosecution (tho' made upon very plain Evidence) were ended ineffectuall, for the Juries found for y^r Defend^t against His Ma^{ie} all Agreeing that the Power of the Comⁿ of the Customes in matters of Trade, did not extend to their Colony.

At last in the year 1681 His Ma^{ie} confirmed me in that Office by a Commission under the Great Seal, which they did also invalidate by a Law made to that purpose, Directing the Officer of the Customs not to Act but by a Warrant from their Governor, and with the Assistance of a civil Officer, and by that shift, they kept up their illegall Trade untill the time that M^r Dudley was President, and S^r Ed-mond Andros afterwards made Governor of that Colony, Then severall Vessells from Scotland, Cadiz and Malaga & others from New-England, were Seized and Condemned in the Courts of Boston for trading irregularly, of which some were of considerable Value. This highly exasperated the Trailers and Masters of Ships against me, for they taking advantage of the late tumult in Boston, I was seized upon and hurried to the common Goale by a Company of Ship Carpenters, Ship Chandlers and others whose Livelyhood depended

depended upon the Sea, being thereto Impowered by those in the present Governm^t whence I hardly escaped with my life, tho' soon after they set at liberty eight persons committed for murder and Piracy.

The chief ends of their Imprisoning me were to Restore to themselves a free Trade for their Vessells to all parts of Europe, and also to deterr any person from accepting that Office of Collector of the Customs in that Colony without their consent & approbation first had. And lastly, To make Boston a Store and Magazine to supply their Ma^r Planta-
tions with all sorts of European Commodities, and thereby lopp off a considerable branch of the Revenue of the Cus-
toms and also Extinguish all Trade from England to those Plantations, which formerly was found a great los^s to the Crown, for prevention whereof the Act of the 25th of Charles the Second for the better securing the Plantation Trade was chiefly made and intended. Since the 18th of Aprill 1689 they have sent their Vessells to Holland to Scotland and to the Streights, (as by the annexed List of some of them, together with a Copy of their Clearings from Glascock doth appear). By the Act for encreasing of Shipping and Navigation, It is Enacted, that the Governor of every Eng-
lish Plantation shall before any English Vessel be permitted to Load on board any of the Enumerated Plantations com-
modities, take Bond that such ships shall carry the aforesaid Goods to England, and the said Gov^r shall twice in every Year return true Copies of all such Bonds by him taken, to the Chief Officers of His Ma^r Customs in London. Now may it please your L^opps if the Boston Agents can make appear, that their Gov^r since their reassuming y^e Governm^t (which

(which is now about Thirteen months ago) has made any such Returns to the Comⁿ of Their Maⁿ Customes, then your Lōpps may hope they will have some regard to the Acts of Trade, however they support themselves in an open violation of the Acts of Trade and will so continue to do, untill Their Maⁿ shall please to send over an Officer duly qualified for that Service to prevent the same without any other dependance than upon the Lords of the Treāry and the Cōmissionⁿ of the Customes according to the Acts of Parliament in that behalf. My Lords, I have had the hono^r to serve the Crowne above Twelve years in that hazardous Station and in that time made ten Voyages to and from New England, before I could bring the Traders to any sort of Conformity to those Acts, what Difficulties I have Encountred and with what fidelity and care I have managed in that Office I humbly crave leave to Appeal to the Comⁿ of the Customs my Superiours, I have not otherwise medled with the Governm^t than as my particular Station directed me to, Nor at any time Accused of Neglect in my Office, nevertheless because I have Acted by a Cōmission from the Crown and been strict in the prosecuting Offenders upon the Breach of the Act of Trade, that alone has been my Crime, and therefore it was resolved that I was not baylable, having broken a capitall Law of the Colony, and to be punished with death, as by the Resolves of the House of Representatives (whereof M^r Oakes One of their Agents was Speaker) doth litterally appear. Viz^t Voted the 28th of June 1689 That M^r Edward Randolph is not Baylable, he having broke a Capitall Law of this Colony in Endeavouring & accomplishing the Subversion of Our Governm^t and having

having been an evill Councillor, Attest Ebenazar Prout Clerk. May it please your Lōpps, I humbly crave leave to add, that Since I have undergone such hardships and difficulties in Setling the Affair of the Customes in New England besides ten months Imprisonment, and in that whole tenn Years time managed to the good liking of the Lords of the Treasury and the Com^r of the Customes my Superiour, That no Person may reap the Benefit of my labour, but that Your Lōps will please to Order that I may be Restored to the Office of Collect^r of the Customes in New-England, in which I am ready to serve Their Ma^r with all fidelity & Vigour so soon as it shall please Their Ma^r to Impower me to Execute the same. To the end those people may [be] reduced to that Conformity in Trade as Their Ma^r Subjects in England and the Plantations, which highly tend to the increase of the Trade of this Nation and preservation of Their Ma^r Plantations in America.

AN ACCO^r OF SEVERALL SHIPS & VESSELS TRADING IRREGULARLY IN THE PORTS OF BOSTON SALEM, NEW: LONDON &c. IN NEW ENGLAND SINCE THE 18TH DAY OF APRILL 1689.

State Papers, Colonial, Entry Book, 62, p. 231 [1690].

[List annexed p. 237.]

June 1st 1689
Coll Fringe Owner

The Ketch Salisbury of Boston Joseph Mackster Master loaden with Tobacco arrived at Boston from Maryland without a Certificate.

The same Ketch Salisbury with her Loading of Tobacco, Sailed from Boston to Glascock directly without Entring into Bond Andrew Dalbery Ma^r

The

July 1st 1689.

The Pink Mary of Boston Will^m Blake Ma^r loaden with 148 hds of Tobacco for which Bond was given in Maryland to carry the same to Eng^d but against the Masters will was put a shore in Boston by the Owners of the Vessell, whereby Their Ma^rs lost above a Thousand pounds sterl: in Their Customs, The Master complaind thereof to the Governor, but had no redrefs.

Sept 10th

The Pink Return of Boston Mich: Shute Maf-
ter loaden with Fish, but a greater quantity of
Tobacco, went directly for Bilboa.

20.

The Ship Pelican Abrah: Fisher Pirate Cōman-
der brought in a Prize to Salem, Sold her for
250^l to M^r Haythorne &c. a Magistrate.

21.

The Bark Freedome of Boston Ieremiah Tay
Ma^r arrived from Newfoundland loaden with sweet
Oyle, ffrench wine and Brandy and Unliverd at
Boston.

24.

The Bark Rose of Boston Thomas Eyre Ma^r
from Newfoundland, loaden with Oyle, Wine,
ffrench Linen and unlivered at Boston.

25.

The Bark Elizabeth of Boston Caleb Lamb
Ma^r directly from Holland to New Haven in
Connecticut Colony he unlivered part there and
the remainder at Boston.

Sept 28th 1689.

The abovementioned Ketch Salisbury Andrew
Dolberry Ma^r arrived from Glascow at the River
Piscataqua with Scotch Merchants and Scotch
Manufacture.

29.

The Ketch Unity of Boston from Newcastle, —
Oliver

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Oliver Berry Ma^r in Pensilvania came to Boston wth sixty h^{ds} Tobacco, but produced no Certificate.

October 3d

The Brigantine Adventure of Boston Thomas Burrington M^r from Newfoundland unlivered at Boston wine, Oyle and Brandy.

so.

Two Ships from Iersey Loaden with French Manufacture arrived at Piscataqua not cleared in England.

A Ship of 150 Tuns directly from Holland unlivered her Loading at New London in Connecticut Colony loaded Lumber, Thirty horses and took in some of her Hollands Goods and saild to Barbados.

so.

Mr Haythorne
Magistrate and
other Owners.

The Brigantine Dove of Salem Nicholas Chadwell Ma^r from Newfoundland, unlivered at Salem, Wine Brandy and English Manufacture.

November 4.

The Ketch George Andrew Elliott Ma^r arrived at Boston from Newfoundland and Unlivered Wine, Oyle and Brandy.

so.

The Brigantine Adam Pigott Ma^r from Newfoundland Unlivered at New-London Wine, Oyle & Brandy.

The Barke Endeavour of Salem Wil^t. Gidney Ma^r arrived at Salem from Newfoundland and Unlivered at Salem Wine Oyle and Brandy. John Grafton Ma^r of a small sloop of Salem carried part of that Loading to Boston where William Hill my Deputy search^d Endeavoured to Seize her and her Loading but the Master and Seamen would

Edward Randolph.

would not let him Search y^e Vessel of wth he complained to a Constable who only derided him.

The Sloop May Flower of Boston, The : Watkins M^r from Newfoundland, Unlivered Wine, Oyle and Brandy at Boston.

Robert Glanvill Master of the Ketch . . . of Salem gone to Virginia to load Tobacco there and from thence to Scotland.

19.
Mr Sherrington
Magistrate Owner

The Ship now called the Good Hope (formerly the ffortune of Loveland) 500 Tuns Ieremiah Tay Master unfree bottom bound to Lampeath for Logwood from thence to Hambrough, was Seized by Cap^t George, who put a Sailor on board to keep possession, The Sailor was hoyseed over board by a Tackle, and then she took in a Sloop Load of Goods (was supposed to be Tobacco.)

20.

The Ketch May Flower of Boston Percival Miller Ma^r arrived at Boston directly from Glas^ccow in Scotland with Scotch Merchandise M^r Hambleton a Scotchman Merchant, Twelve Bailes of Goods aboard on his Acco^r

27.
Phillips Treas-
urer & Magistrate
& Mr Russell
Owners.

The Pink Endeavour of Boston, John Blackenbury M^r Loaden with Scotch Goods, hose, hats &c. from Glas^ccow, unlivered at Boston. Blackenbury Reports that John Smith Ma^r of a Vessell of Boston was loaden at Glas^ccow and ready to saile for Boston, Since taken by the French.

28.

The Brigantine Mary of Boston Thomas Carter Ma^r from Holland directly with Holland Commodities, John Borland a Scotchman Merchant.

The

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1689.
Decemb. 13th

The Ketch Jonathan of Salem Stephen Robins Ma: arrived at Salem with Goods directly from Holland.

William Clutterbrooke Ma: of the Pink . . . of Boston from the Canaries, at Martins Vineyard loaden with wine.

Two Ketches more of Boston upon the Coast with Wine from the Canaries, of which I gave Cap: George notice.

William Dolberry Ma: of the Ketch Salisbury now at Glascock.

John Lawson Ma: of the ship Two Brothers of Boston loaden with 900 Spanish Hides, pirats Goods, and a great quantity of Tobacco, bound from thence with King James's Pass to Bilboa, and Stays out three years on a trading Voyage.

The Ketch Ionathan of Salem Steph: Robins Ma: now at Amsterdam with a Loading of Tobacco.

John Nelson of Boston his Brigantine William Boffenger Ma: is bound to Virginia to take in her loading of Tobacco and bound from thence to Hambrō.

Nathan Stanbery of Boston saild Six Weeks ago from S: Mallos to Boston loaden wth French Goods.

Christopher Clarke Mate to Cap: Bant lately gon to Holland to sail from Amsterdam in a Holland Vessell to Boston.

Mendm:

A Pink of Boston Saild by the Castle from the Streights

Edward Randolph.

Streights to Boston, loaden with Oyle Fruite &c.
The Cap^t of the Castle stood by the shore, but
took no notice of it. The 4th of July 1689 M^r
Robert Howard of Boston bought Twenty h̄ds
of Tobacco of Steph. Serjeant which he then
Shipt on board a Brigantine bound for New-
foundland.

St Wm Phips
Owner.

Christopher Clarke Ma^r of the Ketch William &
Mary of Boston, Imported from Hispaniola, dry
Hydes and a great quantity of Spanish Tobacco,
of which no notice was taken.

Sept 30th

The ship Good Hope of Boston Ieremiah Tay
Ma^r now in Amsterdam.

Lawrence Ma^r of a Ketch of Boston at Glas-
cow from Boston.

Pyam Blowers Ma^r of y^e Ketch . . . from Bos-
ton at Glaſcow.

Octo : 10th

William Blake Ma^r of the Pink Mary in
Scotland.

AN ANSWER TO M^r RANDOLPH'S ACCO^T TOUCHING IRREGU-
LAR TRADE SINCE Y^E LATE REVOLUTION.

State Papers, Colonial, Entry Book, 62, p. 242 [1690].

To the R^t Hono^{bles} the Lords of Their Ma^r most Hono^{bles}
Privy Councill.

An Answer to M^r Edward Randolph's Acco^T of the irregular
Trade carried on since the late Revolution by the In-
habitants of New England &c. humbly presented by the
Agents of the Massachusetts Colony.

May

Documents and Letters.

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May it please yo^r Lōps.

The Government of the Massachusets have from time to time declared that they would strictly observe the Acts of Trade and Navigation, And that none might pretend Ignorance published the said Acts & declar'd that they would assist His Ma^t Officers and encourage Informers in the prosecution of the Breaches thereof, and have Acted accordingly. The Governor is Annually sworne by a particular Oath to the faithfull discharge of his Trust therein. The Government and Inhabitants in generall have no advantage by irregular Trade but the Offenders only, whom they have been and will alwaies be ready and forward to find out and punish as the Acts direct. As to M^t Randolphs pretence that his Commission was invalidated by a Law made for that purpose &c. The Law itself proves the contrary, which is in these words. And for the Encouragem^t of His Ma^t Officer or Officers and all Informers, It is hereby declared, that the s^t. Officer or Officers and Informers, shall from time to time be aided and assisted by all Marshalls, Constables and other Officers by Warr^t from the Governor, Dep^v Governor or any Magistrate, in the prosecution of the Breaches of the said Acts of Trade & Navigaⁿon It is very probable M^t Randolph was displeased at this Law, because it was his desire and Interest that no Informer should be allowed besides himself But the Governm^t being desireous that those Acts might be duly and impartially oberved, did thereby encourage others to Inform, judging that to be agreeable to the direction of the said Acts and the surest way to prevent the Eluding of the s^t. Acts by Bribery and Corruption. It is true M^t Randolph seized and prosecuted severall Vessells and

and Goods for irregular Trading. But upon the Tryall (as we understood) his proofs were so very defective, that the Juries would not find for His Ma^{re} and it was generally understood in the Colony, that he did it purposelly to bring an Odium upon the Governm^t the better to Effect the design in w^{ch} he was engaged of destroying their Charter and all their Rights and Priviledges, and divers credible Persons in New England, have affirmed, they know M^r Randolph notoriously guilty of Bribery and corruption. And that upon that Accompt he let severall Offenders go unpunished which We do not doubt but they will be ready to prove, if competent time for such purpose be allowed by Your L^{ops}.

And whereas he saith the chief end of his Imprisonment upon the late Revolution, was to restore a free Trade to themselves &c. We humbly Offer that M^r Randolph was the Person Employed in the two last Reigns to prosecute Quo Warranto's and destroy the Charters in New-England and in setting up an arbitrary Government there, which he effected against the Massachusets Colony, and that the many false Informations & misrepresentations of that Governm^t exhibited by him were great occasions of those violent prosecutions against the Charters, The said M^r Randolph also procured to himself the Office of Secretary and to be one of the Councill, which Councill took upon them to make Laws and levy mony without an Assembly or any Consent of Their Ma^{re} Subjects in New-England, begging their Lands of S^r Edmond Andros in severall places and Endeavouring to force the Inhabitants to become Tenants to the late King James under such Quitt Rents as S^r Edmond

mond Andros should please to lay on them after compelling them to take new Grants of their Lands, pretending all to be the King's, and making them pay unreasonable Summes of mony for their p'tended Patents. These were the true reasons why he amongst others of that Government (of whom he was one of the most malicious and active) was im- prisoned and not his being concernd about prosecuting the Breaches of the A&ts of Trade as he pretends, the other Officers for that Affair being continued in their places and charged diligently to attend their Duty by the present Gov- ernm^t there.

The Merchants in New England are far from diminishing the Revenue of the Crown, for they fetch in their Tobacco from Virginia, and there pay to Their Ma^w one penny p pound for all they take on board which is the full value of the Loading there, and at Barbados and the other Islands, They pay to Their Ma^w the Duty upon Sugars &c. before they can bring them from thence, and those Goods they cannot ship off but for England, Wales or Berwick, and here they pay again to Their Ma^w the full Duty as if noth- ing had been paid before, So that their circular Trade brings in for Revenue to the Crowne, double to any other of Their Ma^w Plantations, And if they carry their Tobacco &c. to Holland, they pay three times as much as other Their Ma^w Subjects do.

In the *Andros Tra&ls*, Prince Society, Vol. II. p. 130, the answer continues as follows:—

M^r Randolph is pleased in his paper to take what liberty he thinks fit in commending himselfe and reflecting upon the

the present government of the Massachusetts Colony. But we hope no part of his Charge shall be taken to be true further than he can make it out by proofs. Because tho' he begin his paper with that Specious pretence of zeale for their Majestys Interest it all ends in his owne And in a desire to be put into an Imployment.

As to M^r Randolph's acco^t of the severall ships and vefells trading Irregularly in the ports of Boston, Salem New: London &c. in New England since the 18 of April 1689 It cannot be expe^ted that we at this distance from New England can be provided Suddainly to give an acco^t of the partiicular Loadings of all these Vessells or indeed that such were there. Here being but very few persons of New Eng- land now in towne by whom we might Informe our selves: But from w^t we have it is humbly offered.

That the Ketch whereof Joseph Thaxter was master hav- ing loaden in Virginia or Mary-Land arrived at Boston soon after the Revolution declaring that they were bound for England and put in there only to furnish them selves with necessaries for their Voyage & accordingly Sailed from thence with the Same Loading: so that it is evident that Virginia or Mary Land was the place where he ought to give bond and not Boston as M^r Randolph would Insinuate.

The Pinke whereof Will. Blake was master Loaded also in Virginia or Maryland and was bound for England but Springing a Leake at Sea came to Boston to preserve them- selves & Cargoe and refitt the ship: But after they had been somtime there the Ship Sunke in the Dock. And if the Tobacco was taken out we suppose it was to seperate the damnedified from the Sound. And the Government there declared

declared the ship with her Cargoe ought to proceed her Voyage for England And both Ship and Cargoe were there in aprill Last.

Shute carried Fish but we know not of any tobacco. test. Samⁿ. Turell.

The ship Pellican was a banker brought in by a Dutch privateer and bought at Salem to goe against the French at Accada and fitted for that designe under the command of Capt. Cyprian Southaik Commissioned by the Lords of the Admiralty; test. Capt. Bant M^r Welfstead & M^r Nicholson.

As to the severall vessells said to come from Newfound Land we know of no other goods they brought but fish and traine Oyle: And if such a quantity of Brandy was by them Imported as M^r Randolph would seem to Intimate Doubtless it would be designed for merchandise: when as som of us certainly know that the Last winter we could not get a Case of French Brandy in all Boston for our mony; test. George Nicholson Will. Welfted & Epaphras Shrimpton.

The Barke Elizabeth: Caleb Lamb Master came from Tarcera to Newhaven in Connecticut Colony and from thence to Boston: test. Will. Welfted.

Andrew Dolberry brought a Cleering from some Port in England which he shewed to the Governor: as the Governor declared to the Councill.

The Ketch Unity: we know nothing of, but if shee came from Pensilvania the goverment there were concerned to take Bond and not that of Boston.

The two ships said to come from Jersey Cleared at Dartmouth and went with the New England Fleet under Convoy from Plymouth: test. Capt. Bant and M^r George Nicholson.

The ship of 150 tunns said to goe directly from Holland to New-London in Conncticott Colony and thence to Barbados we know nothing of but are Informed that no such ship was arrived at Barbados when the Last fleet came thence. Test. Sam^l Turell.

The Ketch George: Andrew Elliott master said to come from Newfound Land with wine oyle and Brandy Sailed from Pensilvania not from Newfound Land to Boston: test Sam^l Turell, but her Loading we know not.

If Rob^l Glanvill be gon to Virginia and Loads there And goe from thence to Scotland we conceive that will not affect the goverment in New England if they in Virginia should neglect their duty.

The seisure of the ship Fortune of Courland we know not. But the f^d ship the voyage before was allowed to Load at Boston by S^r Edmond Andros. And after the Revolution coming from Barbados againe to New England: M^r Shrimpton desired liberty to Load her as before but the Goverment would not allow it as being contrary to the A&t of Trade. And therefore the ship never came within Command but went to the Bay of Campeach. And the supposed Tobacco was provisions for her voyage thither. test Will. Welsteed: Epaphras Shrimpton.

The Ketch Mayflower Percival Miller master brought a Clearing from Beawmorris which he shewed to the gover of Boston.

The Pink Endeavour John Brakenburg master her Load- ing we know not. Nor whence she arrived at Boston.

The Briganteen Mary: Thomas Carter master said to goe from Holland directly to Boston: went from Holland to Dover

Dover and there Cleared and from thence to Boston: Neither was John Borland in the said vessell: test. Capt. Bant: M^r Nicholson.

The Salem Ketch also Cleared in England and went with the New England fleet from Plymouth: test. Capt. Bant, & George Nicholson.

Will: Clutterbuck from the Canaries his ship and Cargoe of wine was under a seisure at Boston in Aprill last in order to a tryall: test: Will : Welsteed.

The Ketches said to be upon the Coast from the Canaries if arrived are doubtless seised as well as Clutterbuck.

M^r Dolberry was at Boston in Aprill last. Not knowne to be preparing for any voyag: therefore not likely to be now at Glasgow. test. Will. Welsteed.

John Lawson master of the two brothers was seised at Bilboa as bringing thither Contraband goods from New England: which was occasioned (as is said) by M^r Randolphs Information but upon more strict enquiry no fuch matter appeared and the ship and security was dismissed: test. M^r Shrimpton M^r Murritt: M^r John Ive, M^r Usher.

The Ketch Jonathan went from Fyal to Holland test. Capt. Bant.

M^r Nelsons Briganteen was in Barbados february Last; test. Sam^l Turell and if she goe to Virginia the Officers there, and not in New England will be concerned in her voyage thence.

Nathan Stanbury we know not wither gone. Christopher Clarke is gone to Holland to be master of a ship bound to Surinam and thence to Holland againe in the employment to M^r Greenwood of London a freeman of the Surinam Company: test. Will. Harris.

The

The Pinke from the Straits we know nothing of, neither is it Likely the Capt. of the Castle should know w^t is in the ship as she passes by.

Hides have been brought out of the West Indias to New England and thence Shipped for England which we humbly conceive is no breach of the act of trade.

We know nothing of M' Howards tobacco but if what is asserted be true how can that and many other of M' Randolphs Charges affect the Goverment unless Complaint had been made to them And afterwards they neglect their duty.

By w^t is above written it^s evident that many of M' Randolphs articles in his acco^t are fallacious and severall of them most untrue which gives us cause to thinke the rest are of the same nature.

all of which is humbly submitted,

<i>vera</i>	HENRY ASHURST.	INCREASE MATHER.
<i>copia</i>	ELISHA COOKE.	THOMAS OAKES.

NEW-ENGLAND'S FACTION DISCOVERED; OR A BRIEF AND
TRUE ACCOUNT OF THEIR PERSECUTION OF THE CHURCH
OF ENGLAND; THE BEGINNING AND PROGRESS OF THE WAR
WITH THE INDIANS; AND OTHER LATE PROCEEDINGS THERE,
IN A LETTER FROM A GENTLEMAN OF THAT COUNTRY TO A
PERSON OF QUALITY. BEING AN ANSWER TO A MOST
FALSE AND SCANDALOUS PAMPHLET LATELY PUBLISHED;
INTITULED, NEWS FROM NEW ENGLAND, &c.

Andros Tracts, Prince Society, Vol. II. p. 205, 1690.

Honourable Sir,

Tho I have but very lately advised you of my Arrival, and
given

given you some short and general Account of the State and Circumstance of Affairs in *New-England*, at the time I left the place; which I thought might have been sufficient, until I should have the Honour to wait on you personally; but having had the view of a certain Pamphlet lately Published and Intituled News from *New England* &c. pretending to give an Account of the Present State of that Country, and finding the same so very fictitious, false and scandalous, published out of a most wicked design to vilifie and traduce some Worthy Gentlemen, who have been better Friends to our Country, than ever the obscure Author thereof was, or knows how to be, and to amuse and perplex others: I could not forbear out of my Zeal for truth, and the love and value I have for the Peace and Welfare of my Country, to give you the trouble of this Letter, to discover the falsenesf of the pretended News, and the baseness and ignorance of the Author; who without great difficulty may easily be guessed at, and known by his fruits.

And therefore it may not be amiss to acquaint you, that about two years since, one Mr. J. M. pretended Teacher of the Gospel in *Boston*, privately left that place and came for *London*, where of his own authority, he set up to be an Agent for the Country, and used all the art and subtily he could, during the Reign of King *James*, to indear the same into the affection of F. *Peters*, Mr. *Brent* and *Nevil Pain*, undertaking as well for himself as us to subscribe to the taking off the Penal Laws and Tests, to support the Dispensing Power, and to satisfie his own malice and prejudice (without any ground or reason) conceived against the then Government of *New-England*.

This

This Man, as it was the opinion of most sober and considerate Men when I left *New-England*, so I may very justly term the Author and Promoter of all our miseries, founded upon apparent and wittingly devised Lyes and Calumnies, carried on under pretence of Zeal and Piety, insinuated into, and imposed upon many of the common People, hurrying them into mischiefs and inconveniences now sufficiently seen, felt, and repented of; Him therefore, I will conclude the author of the before-mentioned Pamphlet; the falsities whereof I shall now plainly and briefly detect, to prevent your self and others being imposed upon by him, as many of my Countrymen and others have too lately been.

And in the first place I cannot omit to take notice of his positive confidence to charge a Commission granted in due form under the Great Seal of *England*, for the Government of one of Their Majesties Plantations, Illegal and Arbitrary; and that Government a Tyranny, which was by virtue thereof exercised with a thousand times more justice and lenity, than when under the pretended Charter, Administration or Commonwealth Discipline, without any Authority for the same whatsoever; if the Author had been but as well acquainted with the Law, as he was with the Declaration he refers to (and no doubt was the first contriver of) he would have been of another judgment, or at least have conceal'd it until the Opinion of his Superiors had been given therein.

2. That the War with the *Indians* was begun, as the Author there relates, or that it was ever affirmed by the *Indians*, that they were encouraged thereto by Sir *E. A.* is wholly false; for in the Summer 1688, when Sir *E. A.* went to receive and settle the Province of *New-York*, then annexed

nected under his Government, it so happened, that a Party of about Nine *French Indians* fell upon an *Indian Plantation* at a place called *Spectacle pond* near *Springfield* on *Connecticott River*, and kill'd and carried away about Nine *Indians*, and after coming to a small Village on that River called *Northfield*, they killed six Christians, and being pursued, fled; the noise of these Murthers soon spread throughout the Country, and notice was given thereof to all the Frontier or Out-parts, advising them to be vigilant and careful to prevent Surprize by any strange or suspected *Indians*; and soon after this news came to *Saco*, (a Town and River in the Province of *Maine* above three hundred miles distant from the places before-named, called by that name) Five *Indian Men* and Sixteen Women and Children who had always lived and planted on that River were seized on, and sent by Water to *Boston*, some of whom were so old and feeble that they were forced to be carried when ashore, on others backs. On their arrival at *Boston*, the Lieutenant Governor and those of the Council there, examined into the cause of seizing those Indians and sending them thither; but finding that no Cause was sent with them, nor any ground or reason to hold them in Custody, they returned them to the place from whence they came, to be set at liberty; but before they arrived there, the English near those parts were got to their Arms and Garrisons: Other *Indians* of *Ambroscoggen* and *Kenebeque River*, hearing that those of *Saco* were seized and sent away, forthwith surprised as many of the *English* in *Casco Bay* and *Kenebeque River*, saying, they intended no harm, but would keep them until the *Indians* were returned: Upon the Arrival of the returned *Indians*, they were sent unto,

unto, and a day and place agreed upon when both the *English* and *Indians* were to be set at liberty, and all to be composed; but the *Indians* not coming at the time appointed, the *English* waited not for them, but were not long gone ere they came, and by an *English* Man and two *Indians*, sent a Letter to the next Garison, importing their readiness to deliver up the *English*, and to make satisfaction for any hurt or spoil done by them; who from that Garison were Fired upon and ill treated, and not seeing how what they expected could be answered, some of them discover'd other *English* men on a Neck of Land near the place appointed to meet at, and endeavouring to seize some of them, were engaged in a Skirmish where five of the *English* were killed and several of the *Indians* wounded, who presently after in a rage killed two of the *English* captives.

In this manner, and no other was the War begun; whereupon two Troops of Soldiers were raised, and sent to the assistance of those parts against the *Indians*, with Provision and Ammunition necessary by those of the Council at *Boston*, and the *Indians* first mentioned to be taken, were again sent back and Imprisoned; and all in the absence of Sir *E. A.* Upon his arrival at *Boston* and being informed of the above, and that such *Indians* were in Prison, a Committee of the Council was appointed to examine and see what Grounds or Cause there was for their Commitment or Detainer; and the Committee reporting they could find none, those *Indians* were by order of Council set at liberty, to be sent to the place from whence they were brought if they desired it; As for the mischief said to be sustained by the Inhabitants there, it cannot be imputed to those *Indians*, for it was either done while they

they were in custody, or since the Rebellion and Subversion over the Government, from whence begins the date of our Miseries; and I have just reason to believe, the Author was too far concerned therein, as is evident by his directing of his Letters to *Simon Broadstreet*, Esq.; Governor of the *Massachusetts* &c, before it was possible for him to know that he was so, or could have any ground to believe he would be, unless he had contrived or directed it.

3. There was no endeavours used to keep the People ignorant of affairs in *England*, nor were any Imprisoned for dispersing the Prince's Declaration; which was never publickly seen or known to be in *New-England*, till some time after the Insurrection. Tho I have heard, that one *Winslow* arriving at *Boston* from *Nevis*, about the beginning of *April* 1688, and pretending to shew to several persons a Written Copy of the said Declaration, was sent for before a Justice, and being examined about the said writing, denied he had any such thing; and behaving himself contemptuously, he was committed to Prison; and the next Morning producing the same paper to the Justice, he was discharged without any further trouble or proceeding; and this was all that was acted in *New-England*, relating to the Prince of *Orange's* Declaration; so that there was no grounds or reasons to stir up the People to Sedition, but only the ambitious desires and wicked inclinations of their former Popular Magistrates and Members, to set up their old Arbitrary Commonwealth Government, that freeing themselves from the Authority of *England*, they might without fear of punishment, break all the Laws made for the encouragement and increase of the Navigation of *England*, and regulating and securing the

Plantation Trade, as is sufficiently evident by the several Vessels since arrived from *Holland, Scotland, Newfoundland,* and other places prohibited by the Acts of Trade and Navigation.

And that such was their design, to rend themselves from the Crown of *England*, will appear by the free and open confession of some well knowing in that Conspiracy; who have since declared (before Witnesses of undeniable truth now here in *England*) that the design of seizing upon Sir *E. A.* and subverting Kingly Government in *New-England* had long been contrived and resolved on, and was to have been done the beginning of *January 1688*; and that those concerned in the late Revolution were then to have acted the like parts, at which time there was no account of the Prince of *Orange's* intention of coming into *England* known in that Land.

4. It cannot be said that ever any unlawful Levies of Money were made upon the Subject under the Government of Sir *E. A.*, for all that was raised in his time was by virtue of a Law made and practised for about Fifty Years before, which was continued and confirmed by express command under the Great Seal of *England*, for support of the Government, and was but a Rate of one Penny in the Pound, to be annually collected by Warrant from the Treasurer; which those who lately assumed the Government have so far exceeded, that for about Six Months management, they have caused seven Rates and an half to be levied; and I have since advice that they have ordered Ten Rates more to be exacted.

5. By the Actings and Proceedings of these *New-England* Reformers,

Reformers, it is easily to be seen, what regard they had to Religion, Liberty and Property ; having now had an opportunity to make themselves Perfecutors of the Church of *England*, as they had before been of all others that did not comply with their Independency, whom they punished with Fines, Imprisonment, Stripes, Banishment and Death ; and all for matters of meer Conscience and Religion only : The Church of *England*, altho commanded to be particularly countenanced and encouraged, was wholly destitute of a place to perform Divine Service in, until Sir *E. A.* by advice of the Council, borrowed the new Meeting-house in *Boston* for them, at such times when others made no use of it, and afterwards promoted and encouraged the building of a New Church for that Congregation, to avoid all manner of Offence to their dissenting Neighbors, which was soon compleated and finished at the particular charge of those of the Church of *England* ; whose number daily increasing, they became the enemy as well as hatred of their Adversaries, who by all ways and means possible, as well in their Pulpits as private Discourse, endeavour'd to asperse, calumniate, and defame them ; and so far did their malice and bigotry prevail, that some of them openly and publickly hindered and obstructed the Minister in the performance of the funeral Rites, to such as had lived and dyed in the Communion of the Church of *England* : And a most scandalous Pamphlet was soon after Printed and Published by *Cotton Mather*, Son of the before mentioned *J. M.* intituled " the unlawfulness of the Common-prayer Worship " wherein he affirms and labours to prove the same to be both Popery and Idolatry ; and several scandalous Libels both against the Church and Government,

ernment, were spread and scattered up and down the Country, insinuating into the Common People, that the Governor and all of the Church of *England* were Papists and Idolaters, and to stir them up to Faction and Rebellion, for which the said *Cotton Mather* and others were bound over to answer according to Law, but was superseded by their Insurrection. And the Justices having issued their Warrant for the observation of the 30th of *January* purfuant to Statute, the same was called in and suppressed by Captain *Waite Winthrop*, one of the Council, who in the Commotion appeared the chief Man and Head of the Faction against the Government, which he twice swore to maintain and support, and tho at the time of the Revolution most of the Principal Officers in the Government were of the Independent and Presbyterian Party, yet their malice and fury was not shewn to any of them, but only used and exercised against those of the Church of *England*, whom (as well the Governor as other officers of the Government, and principal Members of that Church) they seized and most barbarously Imprisoned.

The Church itself had great difficulty to withstand their fury, receiving the marks of their indignation and scorn, by having the Windows broke to pieces, and the Doors and Walls daubed and defiled with dung and other filth, in the rudest and basest manner imaginable, and the Minister for his safety was forced to leave the Country and his Congregation and go for *England*; the Persons Imprisoned were kept and detained without any Warrant, *Mittimus* or cause shewn, and several of them had their Offices and Houses broke open, their Goods and Estates taken away, spoiled and embezelled: and when application was made to the new assumed

assumed Authority, for the benefit of the *Habeas Corpus* Act, and other Laws made for the Liberty of the Subject and security of their Property, the same was denied with this reason given amongst others afterwards there published in Print; that till the unhappy time of Sir *Edmund*'s Government, the Laws of *England* were never used, nor any *Habeas Corpus* granted in *New-England*, and therefore not to be expected then; and about Ten Weeks after their Confinement, several of the Chief Officers were by the House of Representatives voted not bailable, for no other cause or pretended Crimes than for being employed by the Crown, having therein so faithfully and truly behaved themselves that none could justly lay any Crime to their Charge.

By this means many suffered Ten Months Imprisonment and others less, being turn'd in and out of Goal as the Arbitrary pleasure of their New Rulers should be verbally known. In their new Erected Courts they have publickly declared they have nothing to do with the Laws of *England*, and several of Their Majesties Subjects have not only been Fined and Imprisoned by the Arbitrary Will of the Magistrates without any lawful Tryal by a Jury of their Peers as the Laws of the Land direct, but for pretended Crimes, sentenced to Death, without any lawful Authority or Legal Form of proceedings, and some of them Executed.

6. It is very true, that since the Imprisonment of the Governor and alteration of the Government in *New-England*, the whole County of *Cornwall*, great part of the Province of *Maine*, and part of the province of *New-hampshire*, are over-run and destroyed by the *Indians*; but the occasion thereof has been by that Insurrection, and the withdrawing



withdrawing of the Forces left in those Parts by Sir *E. A.* and deserting the Garisons there, which was also the loss of the Fort at *Pemaquid* and above three Hundred of His Majesty's Subjects there; and, notwithstanding the Malice of the Author, cannot be the least imputation on Sir *E. A.*, who during the time of his Government kept the whole Dominion from injury, save what was done at first by surprizal; as by every honest man will be confessed; for what was done in releasing the *Indians* before mentioned was not an Act of Favour but Justice, nor done by him alone but with advice of the Council, and I can see no reason why either *Indians* or *English* should be Imprisoned or Restrained of their Liberty without sufficient cause, or why if one Indian commits an Offence, all must be blamed or punished for it, tho they are things so often used and practised by our old Charters in *New-England*.

Neither were the numbers or quality of those Indians capable of doing such mischief, tho the follies and madness of the People since the Revolution have encouraged and provoked many to be their Enemies, and increased their numbers, and no doubt given the *French* fair advantages to come into their assistance.

The Fort at *Pemaquid* was burnt by the *Indians*, and the Guns sometime after fetched from thence, by some of the Forces sent from *Boston* and brought thither by them, so that what is mentioned about the *Dutch* Privateer is wholly false.

7. As to the pretended bloody Fight said to be between the *English* and *Indians*, it was only after this manner: A Party of about three hundred *English* and Friend *Indians*, under

under the Command of Captain *Benjamin Church*, being over-night landed at a Town called *Falmouth* in *Casco Bay*, in the Province of *Maine*, the next Morning early, a Party of *Indians* of about two hundred came to attack that place, who meeting with *Anthony Brackett* and his two Sons going to his Farm a little distant from the Town, they Fired and Killed them, and by that alarmed the place; and there-upon a Party was sent to discover, who advised what they were, and that they were very near the Town; the whole number of Men being all called together had Ammunition delivered to them, but by reason of the unsizableness of their Guns and Shot, they were forced to beat their Bullets into Slugs, which made it late before they could March to the Enemy, who in the meantime had the opportunity to post themselves advantageously behind Fences, Hedges, Old-Trees, &c. and in that manner they engaged; and after about two hours dispute the *Indians* retreated into a small swamp, and our Forces left them with the loss of Eleven men and Seven wounded, of which Five after dyed; but it was not known that one *Indian* was killed: and this is all we can brag of in that Service, which was only fortunate in that the Forces were there when the *Indians* came to attack the Place, which else probably they would have carried; tho' it's believed had our Forces been ready to have attacked and pursued the Enemy, some greater advantage might have been gained; but by late Advice I am informed that Place is also deserted.

There is little dependence on those we call our Friend *Indians*, for they are as great Strangers in the Eastern Country as the *English*, and will not travel or venture farther

ther than they, tho' being used to the Woods, may be quicker sighted to discover the Enemy. You may perceive the fiery Zeal of the Author and his Correspondent, who will not admit of a Charitable Expression or Character of his suffering Neighbours, but after they have been the cause of all their Miseries and Ruine, must expect no other comfort from them than to be accounted and termed Heathenish *English* Plantation; for which I cannot conceive any reason, unless that many in those parts have been differently educated from those of *Boston*, and are of the Church of *England*, whose Forefathers for that Cause only were forced to remove so far to escape the lash of their Persecutors in the *Massachusetts* Colony.

8. We have no reason to brag of our Armies Pursuit after the Enemy, for it was never known that any Party last Summer went twenty Miles from our Settlements (or Place where they had done us mischief) after them, neither according to the methods taken would it avail if they had; for tho' they knew the *Indians* are in Arms, and taking all the Opportunities to attack and destroy them, yet no suitable Provision was made for our out-Towns and Frontiers for their Security and Defence; but after Advice given to *Boston* of a Town or Settlement being burn'd and destroyed, in about a Fortnights time an Army or Party of about two or three hundred Men would be sent to the Place to see if it were true or not, and whether the *Indians* did not stay for their coming; which Army of ours usually abide thereabouts till they have eaten and consumed what stock of Cattle or Sheep the *Indians* had left, and then return home again.

That any Captives, escaped from the *Indians*, affirm that the

the *Indians* say they are encouraged by some Gentlemen in *Boston* vigorously to prosecute the War, is mere Invention and a most false and groundless Imputation, unless by such Gentlemen in Boston are meant *Foster* and *Waterhouse*, two of their own Party, who being of the Conspiracy to subvert the Government, sometime in *March*, about a month before the same was put in Execution, loaded a Brigantine with Provision and Ammunition at *Boston*, and entered her for Bermudas, but sent her to the Eastward amongst the *French* and *Indians*, then in actual War with us, and furnished and supplied them therewith, when the Governor and the Forces were out against them and had reduced them to the greatest want and necessity both for Provision and Ammunition; and soon after the Revolution that Vessel returned from those Parts with her Loading of Bever and Poultry, which was publickly known and talked, but no notice taken thereof, the grievous effects of which the Country well knows, and are very sensible thereof.

The two Captives that last escaped and came to *Boston*, related, that by the Service done by Sir *E. A.*, the last Winter was Twelve-months, against the *Indians*, they were reduced to that necessity both for Ammunition and Provision, that in the Spring following they resolved to come in and surrender themselves at Mercy, which they no doubt had done accordingly, if the Revolution at *Boston* had not happened, the Forces being drawn off from the Eastern Parts, Garrisons deserted, and they supplied with Ammunition and Provision from *Boston*, which was the only encouragement they had to renew and continue the War upon us, and has much increased the Numbers of our Enemies.

Tis true the Mohawks (tho a small) are a warlike Nation, and have been long Enemies to the *French* in *Canada*, and now in War with them ; but that no ways affects us in *New-England* any otherwise than as it is some Diversion to the *French*; for those *Indians* that war against us are in a direct opposite part of the Country, remote from them, and can be supplied from *Canada*, *Port-Royal*, and *Nova Scotia*, altho those Mohawks endeavour to obstruet it; and I could never hear any Offer made by them to that purpose, or that they would engage against our Enemies, for we never had any Acquaintance or Correspondency with them, to influence them to our Assistance, they being very remote from *Boston*, and always under the Government of *New-York*. but I have been informed by Letters from Persons of good credit at *Albany*, that when the Agents sent from *Boston* to treat with the *Mohawks* and renew their Peace and Friendship with them and desire their Assistance, proposed the same, the *Mohawks* replied, That it was unnecessary for them to come so far to renew their Peace, since it was to the *Indians* Knowledge there had been no War between them, and that they had not only by Words but by Action manifested their good Heart to the *English*, particularly to *New-England*, since they had by means of the Government of *New-York* engaged themselves in the last *Indian* War for their Interest, against the *Indians* their Enemies, by which much Christian blood was saved, altho but little notice of their Service has been taken by those who had the benefit thereof: that they were then in War against the *French*, and would not increase the number of their Enemies, until they certainly knew that those Eastern *Indians* assisted the *French* against

against them. This is the sum and truth of that Negotiation which cost us above four hundred Pounds Expence ; and what Advantage or Credit we are likely to get thereby, all Men may judge.

We of *New-England* (I find) are too apt to boast of what we neither understand nor have any assurance of, and build too much on mistaken Notions and false Grounds, as in this Case of the *Indians*.

9. The Story about the *Mohawks*, Jesuits, and Eclipse of the Sun, has not been heard of or acted in any part of *New-England*, but, as I am informed, is an old Story taken out of some History of the Spanish *Indies*, and only inserted by the Author to enlarge his strange News, and fill up his Paper.

But it must be admitted that with those *Mohawks* and other *Indians* several *French* Priests and Jesuits have dwelt and inhabited, and endeavoured to propagate their Religion amongst them, which is more than any of our *English* Priests or Teachers have done ; for altho by the Piety of our Forefathers considerable Sums of Money have been given, and a Corporation erected for the Evangelizing of the *Indians* in *New-England*, a very small progress hath been hitherto made therein ; and now scarce any Endeavours or proper Means used at all for their Conversion, the large Sums of Money are annually sent over and disposed of amongst the Brotherhood on that pretence, which the Government or those chiefly concerned therein, would do well to enquire after, now there are so many of that Country here, capable to give an Account thereof, that so good and pious an Undertaking may be neither neglected nor perverted.

10. It is too true, that great Devastations have been made
in

in *New-England* by the *Indians* since the Revolution there, which those that subverted their Majesties Government haue been and are the sole occasion of; and that the Fort of Pemaquid, a considerable Frontier next the *French*, hath been taken, the whole County of *Cornwal*, greatest part of the Province of *Maine*, and a part of the Province of *Hampshire*, are destroyed and deserted, besides other Mischiefs in the *Massachusetts* Colony within thirty miles of *Boston*; the loss and damage of all which when I left *New-England*, was not computed at less than one hundred thousand Pounds, besides the loss of above three hundred of their Majesties Subjects, and the whole Fish, Mast and Lumber Trade, and all Out-parts forced to Garrisons.

But that so considerable a Force (as is pretended) was sent out against the said *Indians* is a Misinformation; for there was not one Man sent from Connecticut last Summer, nor had they resolved to be concerned in the War, tho much persuaded thereto by those of the *Massachusetts*: and when I left those Parts and for some Months before, there was not a Soldier out; and they have reason enough to apprehend an Attack from the *French* as well as the *Indians*, in the Spring, so soon as the Rivers are open and the Snow of the Ground; which by their present ill Management, want of Authority, and the many Divisions amongst them) they will not be in a posture to resist, nor to defend and secure themselves and Country.

11. I did hear before I left *New-England*, that about sixty Men were ordered to march for *Albany* from the several Towns on *Connecticott* River; but whether they were to assist those of *Albany* against the *French*, or to reduce them

them under the Subjection of that Rebel *Lefier* (who by the evil Instigation of those of *Boston* and *Conneticott* had usurped the Government of *New-York*, which those of *Albany* always refused to submit to, but continued as they were) was a great Question, and can only be known by their Fruits and Service.

The base imputation, which the unworthy Author of the scurrilous Paper would cast on Sir *E. A.* and other Persons concerned in Their Majesties Government, I think are not worth my taking any particular notice of, since both his and their Actions do plainly shew them of whom he so speaks to be Faithful and Loyal Subjects: And from the whole scope of proceedings in *New-England* it is most plain that the late Subverters of the Government had no manner of regard to their Majesties Interest or Service, but when they had as far as possible ruined and destroyed the same, thought themselves obliged to endeavour their own Security and Preservation, which of His Majesty doth not speedily help by settling of the Government and giving them further assistance from hence, they are not in a condition to maintain, but will endanger the loss of the whole Country. As is evident by the further late advice we have of the *French* and *Indians* Incursions upon those parts, the loss of *Schenectade* a considerable frontier Town near *Albany*, and of several settlements on Piscataqua River, with about two hundred more of Their Majesties Subjects killed and carried away Captives, and the several other Parties of *French* and *Indians* we hear are out, designed to fall on other parts of that Country, and feared in *Albany* it felt.

This, Sir, is the true tho miserable Condition of that Country,

Country, as can particularly be made [to] appear whenever it shall be inquired into, and must pray your Assistance to endeavour a Redress of its present inconveniences, and that we may obtain their Majesty's favour for a happy settlement, that so considerable a Dominion on the prosperity of which depends the Welfare of their Majesty's other *West-India* Plantations, may not be ruined and destroyed for Want of their Gracious Protection. Begging your Pardon for this tedious discourse, I presume to subscribe my self

Honoured Sir,
Your Most Humble Servant,

C. D.

London: Printed for J. Hindmarsh at the Sign of the Golden Bull, over against the Royal Exchange in Cornhill. 1690.

RANDOLPH TO BLATHWAYT.

State Papers, Board of Trade, New England, Vol. 5, p. 494.

April 25th. 1691.

S:

Just now I haue advise that M: William Rafford a Considerable Merc: & a trader to New England has a full account of the state of that Country & can Offer to their Lords: the Reasons he has received from M: Tippett one of the subscribers to the Addresse: & will appeare if Summoned. pray lett his Name be inserted in y^e Summons he liues now in Bow lane. I take physick & cannot wait upon you.

I am S:

your humble Seru^t

EDRANDOLPH.
[Addressed]

Documents and Letters.

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[*Addreſſed*]

To M^r Blathwaite
or in his absence
to M^r Jō : Povey
present
at y^e Plantation
Office.

RANDOLPH'S PETITION ABOUT TREES FOR THE NAVY.

State Papers, Colonial, Board of Trade 2, Bundle A. (20). 13 Oct. 1691

To the R^t Hono^{ble}: the Lords of the Committee Trade and
Forreign Plantaōns.

The humble Petiōn of Edward Randolph sheweth

That there are great quantities of Large firr Trees fitt for standing Maſts for the biggest Ships in their Ma^u Royall Navy & of other Trees of all ſorts fitt for building Timber, Growing in Their Ma^u Provinces, Colonies & Islands as also upon the Lands of Particular proprietors in North America as by the Acc^t hereunto Annexed doth appear, which may deferv to be preserv'd with all Care, from Spoil & devaſtation in the future.

That in the year 1686, Yo^r Pet^r was made Surveyor of all Their Ma^u Woods & Timber [in] the Province of Main & according to his duty did Mark & Register many Large Trees proper for their Ma^u Service, and did provide and deliver into Their Ma^u Stores at Chatham 40 Maſts & Bowſpritts of the Largest Dimentions & in a great Measure re[fr]ain'd y^e Inhabitants frō Cōmitting further waste upō y^e Woods & Timber in y^e ſd Province: That after y^e late happy Revolution during You^r Pet^r Attending his Ma^u in Ireland That office was disposed of to a Person Born in New England

England, whose Employm^t in y^e Customes Obliges him to be alwaiies Resident in Boston being a Place of the Cheifest in New England.

That Yo' Pet^r being now Commissionated by Authority & directions of the Lords Comⁿ of the Treasury to be Surveyor Gener[#] of Their Ma^{ties} Customes in all the Coasts of America is directed to pass from Colony to Colony to take Care that the Acts of Trade & Naviga^con be duly Observ'd [in] all the planta^cons upon that Continent w^{ch} gives him an Oppertunity to make particular Surveys of all the Timber fitt for Their Ma^{ties} Service in that part of America & to hinder the devasta^cons (if thereunto empow'red) w^{ch} daily happen for want of a proper Officer to prevent the Same.

Hee therefore humbly Offers to yo^r L^{ds}ps favourable considera^con that he may be employ'd in Surveying Marking and Registering & [*sic*] the Woods & Timber w^{ch} are or may be proper for the use of Their Ma^{ties} Navy, And as in duty bound he shall faithfully perform his Trust, upon reasonable Encouragement.

And Your Pet^r &c.

An account of the Cheif places in the Territory of New England w^{ch} with great charge and Difficulty I Survey'd in the year 1688 from Penobscot lying within 40 leagues of the River S^t Croix Eastward to Delaware River being the Southern bounds of that Countrey and Above 1000 Miles A Sunder where are growing very large Firr Trees, and other Timber fitt for the use of Their Ma^{ties} Navy.

On an Island (call'd Bear Island) lying Ab^t three Leagues Eastward from the Entrance of Penobscot River (being About

About 1000 Acres of land but not Inhabitted) are large Firr Trees, from 20 to 34 Inches Diameter, 200 Miles distant from Boston.

In the County of Cornwall Ab^t 5 Miles distant from New Dartmouth upon Sheeps gutt River are some hundreds of Firr Trees of the like Dimentions 150 Miles distant from Boston.

In the Province of Main.

On the South side of Kennebec River are large Woods, with Trees fitt for Masts, little daīage yet done there.

About 6 or 7 Miles Above the falls of Saco River, are yet some very large Trees but y^e Woods and Timber very much destroyed by two Saw Mills which for many years have been kept in work upon the Timber of those Woods.

On both fides the River Kennebeck westward from the Saw Mills upon that River are some good Trees.

In the Woods between the Towns of York and Kittery in the same Province are few Trees Yett remaining but the Saw Mills have made great havock in the Timber thereabouts.

Also nigh the River Newitchawannock are firr Trees of 35 & 36 Inches Diameter.

In the Province of New Hampshire belonging to particuliar Proprietors Ab^t 76 Miles distant from Boston in the Townships of Dover and Exiter are Yet remaining the largest Trees in New England from 25 to 37 Inches Diameter, but not many left by the water fide.

In the Colony of the Massachusettts Bay, betwixt the Towns of Hingham & Brantry are some good Trees and [**] more would grow up if preserv'd, As are also in the Township

Township of Scituate in the Colony of New Plimouth, and
in other more southern Places of the Territory.

E. RANDOLPH.

Octob: 13th
1691.

[*Endorsed*] Petition of Edw. Randolph
Ab^t Their Ma^{ties} Wood and
Timber in New England.

M. RANDOLPH TO COLL. COPLEY.

Maryland Archives, Vol. VIII. p. 316

James Citty April 13th 1692

May itt please your Excellency.

Nothing after my tedious voyage att sea more revived me than the good news of your Excellencies safe arrivall upon the American shore and since that of your health and well being at St Maries the Lords of their Maj^{ties} Treasury have been pleased to assent and confirm me in the office of deputy Auditor of their Maj^{ties} province in Maryland in which and in all other Matters I am concerned I shall be ready to serve your interest I inclose a list of ships which I extracted from severall letters sent from the custom house to L^t Governor Nicholson which may be of use to you Your Excellency has likewise a note of severall perquisites which belong to the Governor of this Province I intended to send your Excellency the Law made here for laying 4^d upon every gallon of liquor imported here from the West Indies and 2^d upon every gallon to be paid by such of the Inhabitants as are the Importers in Vessels belonging to the Country which if
your

your Excellency can get past will be a great service to the Crown.

I likewife present your Excellency with a book of rates in which y^r Excell^y is directed to take an oath for the due obseruance of the Acts of Trade as far as y^r Exell^y is concerned under the penalty of 1000^d etc^a. I am sure y^r Excell^y will take that Oath and give noe advantage to your enemies in that or any other like respect I hear Coll Diggs (my Countryman) is coming to wait upon y^r Exell^y and before I saw your Gent. from you I intended to get a passage with him and since would have leave presently but we have a Tryall of a Scotch Vessel seized by the L^t Gov^r himself and he would have me present to examine the Coquets I long to be at St Maries though I shall make very little stay in regard I am directed to make my survey here first I know there is a great deal to doe in your parts, especially in the Eastern Country adjoyning to Newcastle I desire your Excell^y to proceed quietly till you can have a fair blow att them I hear there are some officers who have not done their dutys I referr y^r Excell^y to severall letters which M^r Harpin brings L^t Governor Nicholson is very zealous for their Ma^{ties} interest I will not detain your Excell^y reserving very much to discourse when I have an opportunity to wait upon you in Maryland with my hearty good wishes for y^r Excell^y prosperity and happiness in your Governmt

I remain your Excell^y's most faithfull friend and
humble Servant

Rec^d 6th Sept 1692

From M Randolph.

[Endorsed] Copy of M. Randolph's letter
to Coll. Copley.

Mr.

MR. CHILTON TO MR. RANDOLPH.

Maryland Archives, Vol. VIII. p. 328.

James City July 9th 1692

Sir — My occasions calling me to St. Maries in the Province of Maryland sometyme in the begining of June I well remember that there was an information exhibited by you in behalf of their Maj^{ies} their Gov^r and yourself against the ship called of which one Mason was master, for importing into that Province severall goods of the growth production and manufacture of Europe not bona fide laden in Eng^d waters or towne of Barwick upon Tweed to which the master by his Atturney appeared and pleaded not guilty and for tryall thereof putt himself upon his Country and further remember that one Moore a Scotch person being upon Examination sayd the same ship came from some part of Scotland towards Barwick, against which place the ship continued under sail for severall hours but came not to an anchor there, and being asked the question, what goods were brought from Berwick and put on board there, notwithstanding before, he produced a cleering which he said he had from thence, all this to the best of my remembrance I can safely declare, and had I had thoughts of its ever being called in question or thought on againe I should have been mindful of another passage relateing thereto but yet one Material one I cannot omit which was that one of the Honorable Councill then Judge on the bench was pleased to say that in his opinion the Nicetyes of the Law ought not to be observed and the penall Statute upon which the information was brought, was out or words to that effect, thus Sir I have given

given you a true and faithful account of my knowledge and with their Maj^{ties} Interest better succeſſ then to be tryed by a Maryland Iury.

I am your humble fervt.

EDWARD CHILTON

To Edward Randolph Esqⁿ Surveyor Generall of their Maj^{ties} customs upon the Continent of America.

John Addison a New Castle Factor.

[*Endorsed*] Copy of M^r Chilton's letter to M^r Randolph
about Masons ship
Rec^d 6th Sept. 1692
from M. Randolph.

COLONEL COBLEY TO THE LORDS OF THE CōMITTEE OF
TRADE AND PLANTATIONS.

Maryland Archives, Vol. VIII. p. 335.

S^t Maries in Maryland
July 29th 1692

May it please your Ldps,

Having already rendered your Ldps an account of occurrences, and my transactions since my arrivall here, I should now forbear to give your Ldps any further trouble at this time, did not the apprehension of some malitious misrepresentation of me by M^r Randall their Majesties Surveyor in these parts incite me thereunto, not soe much to sett forth (in its pure, natural, naked colour) the exorbitant and malignant temper of the Informer, as to vindicate and defend myſelfe from his base and ignominious aspersions, he hath been pleased to caste upon me and indeed the whole Government here, which

which the rancour and heate of his spirit cannot prevent him from discovering even to the most mean and inconsiderate capacities notwithstanding (for the character he bears) I have proved myself more than ordinarily kind and obliging to him, to the admiration of all persons here, that ever have had the misfortune of his company or acquaintance, He is one (I must be bold to inform your Ldp) that scornes to be particular but generall altogether in his base reflections and scurrilous haughty behaviour and deportment under the specious pretence of his zeale for their Majesties service, though at the same time the greatest impediment imaginable in the effect, and pleases himself more with satiateing his revengeful humour and private animosities against their Maj^{ties} subjects then affecting anything for their Maj^{ties} interest as he hath sufficiently demonstrated in the late seizure and bringing two or three shippes here, barely upon the account (as himselfe hath and doth frequently declare against all of the place and Nation in generall) of being New England rogues and doggs and pitifull damned Scotch Pedlars, and at last when he had had all the favour and countenance aid and assistance possible shewn him, he has not stuck to vilifie and abuse the Jurors onely (persons of the best fame and repute these parts afford) by calling them base, perjured and forsworne rogues, threatening them with the pillory and losf of their ears &c. but also in publick aspersed, bespattered and affronted the Justices themselves, persons appointed by their Majesties to assist me in the Government with their Councill and advice (although basely by him said to be picked and packed by me, as were the Asssembly of this Province to make such Laws as my inclinations or own private inter-
est

est should dictate to them, which how farr their Majesties Honour and the interest of the Crown have had the preeminent and almost only prospect the Lawes themselves will declare in contradiction to his damnable suggestions. By such meanes their Maj^{ties} interest extremely suffers, and matters of the greatest weight, candour, and truth under his management are become of little credit and repute and he himselfe so remarkable and notoriously turbulent even to the Inhabitants here of both publick and private capacities by presing seizing and violently takeing away and makeing use of their horses, boates, goods and servants without paying or making any satisfaction for the same, otherwife than in the returne of ill language, that indeed should he bring a cause never soe plausible before any jury though of the best principles and inclinations, his insolent and too well known behaviour w^d soe dimm and obscure their eyes that they could not make a right inspection thereinto but look upon the same as the effects of his hot and inveterate braine, especiall with those of his acquaintance, which I must confess few or none covet, unless those of wicked principles, their Maj^{ties} open professed enemies, papists and others disaffected to all, especially the present Government, who are his only associates and companions and they barely for correspondency in malignancy and aversion to the authority, scarcely any one of them cann afford him a good word behind his back or covett his company for any other end or designe, but to promote and put in practice their damnable inclinations and desigues, of disturbing the peace and tranquility of the Province, so that he hath indeed effected here what he hath done in all other parts of the world (where ever he sett foote)

foote) made the whole Country weary of him, boastingly vaunting that he thanks God he has lived these five and twenty years upon the curses of the people which truly I am apt to believe, nay am pretty confident he never wants, and with such provisions may grow fatt; the subject matter is soe large that without a syllable of falsity or suggestion onely, I could easilly comment a volume, without offering the least violence to myself or the truth, I humbly beg pardon for this progression assureing your Lordshipps that the vindication of myself and those Gentlemen of their Majesties Councill assigned me here (whom I find to be persons of loyalty, candour and integrity) from the vile calumnies and aspersions of soe ungrateful and turbulent a man as he is, that they may have noe effect or influence upon your Lordshipps to our prejudice without better prooфе than his base allegations together with the propagation and promoteing of their Majesties ser-vice and interest, is the onely ultimate end and designe of

My Lords

Your Ldps most humble servant

L. COBLEY.

[*Endorsed*] Rec'd 29th November 92

EDWARD RANDOLPH TO JOHN USHER.

Historical Papers, by C. W. Tuttle, p. 326.

Boston, Sept. 28, 1692.

Sir, — I have scarce wiped my mouth since eat a messe of good broath at your house for my Breakfast: where your lady, son Jeffryes, your daughter Jeffryes, Jenny, John, David, and little pretty Betty are all well: I do not question your manage[ment] every where, nor the respect shwon you by y' Inhabitants

Inhabitants where you have to do: yett we are not without some foolish sham discourse which no wise body believes, tho' many fooles employ themselves about it. I expected Mr. Hirst of Salem here to make out the truth of what he said to me about ye Dutch bottom at Great Island & salt. But upon a second enquiry she was loaded with European goods and came directly from Cales [Cadix] & was configned to M^r Gedney & M^r Hirst, having Goods & bills for building a very large ship So that she is seizable. M^r Brenton (J^a Court) has appealed, but against a verdict & judgment in Court; & he can make nothing of it. Now if M^r Elliott can prove her unlivery of Goods before Entry, pray upon your Establishing of Courts both ship & cargo of salt be prosecuted upon my Information, you will save the King's & your third part, & pay the charges of my journey & save M^r Brenton 100£: which he will be forced to pay if Tho: Wilkinson obtain a confirmation of his verdict. You will hear from me befor I leave this place. I am, dear frind,

Your obliged humble f'v't,

ED. RANDOLPH.

Let M^r Newton be retained for me.

COUNCIL MEETING

Maryland Archives, Vol. VIII. p. 432.

At a Councill held at the Governors House
at S^t Peters the 21st day of Dec^r Anno Dom 1692

Present: His Excellency the Governor, the honble Coll.
Nehem Blakiston, Coll Nich^o Greenberry, Thomas Tench
Esq^r, Capt John Courts, Tho^o Brooke, Esq^r

VOL. V. — II

His

His Excellency represents to the Board the rude insolent Carriage and Behaviour of M^r Edward Randolph their Maj^{sts} Surveyor & Comptroller here in Contempt of their Majestys Authority and the present Government particularly contained and set forth in the following Depositions and papers produced and ordered to be read (viz^t)

Memd That writing and transcribing severall things for Esq^r Randolph in Virginia I saw & understood some reflections made upon the Gov^r and Governm^t of Maryland (viz^t)

That writing many Letters to divers Persons in England he insinuated that Coll. Copley begun already to be disaffected by the People of that Province, that he had artificially caused to be made and Enacted severall Laws solely to his own Advantage & conveniency or to that Effect, that if the King did not send over some Requisite Officers he could expect but little Justice to be done him by reason of ignorant Iurys and the Governors conniving at some Collectors that favoured Interlopers and false Traders or to that Purpose intimating how ungenteely himself had been treated by the Governor at his Quarters obliging him to turn out to make Room for Captain Blakiston (who was his Great Creature) and wholly at his Devotion) and Shift elsewhere in the Town as he could & also that the rest of the Councill were very much at his Service rendring them or most of them very ridiculous and Inferior Persons calling Coll^o Browne a scotch Pedlar M^r Addison a new Castle Factor &c^a that the Clause in his Excellencys speech (viz^t) the many difficultyes & hazards I run did not at all daunt me from Coming to you, was construed

strued in the Margin of one of them in gett^es away from the Serjeants & bailiffs that waited for him.

W^m CLARK.

September 27th 1692

Then came the above written William Clark before me John LLewellin one of their Majestyes Iustices of S^t Marys County & made oath upon the holy Evangelists that the above Relation as to the Sum & Substance thereof is true and just in every particular differing only perhaps in the wording thereof but as near as he can possibly remember agreeing therewith Jurat die et ann Supra dict coram me J. LLewellin

Maryland ff I Philip Lynes of S^t Marys County in the Prov^e of Maryland aged about forty three years having formerly had some communication with one M^r Philip Shapleigh of Northumberland County in the Collony of Virginia and one Goss Maſ^t of a Ship or Vessel the said Philip Shapleigh and the said Goss did tell your Depon^t Philip Lynes that the said Shapleigh was bound for the said Goss in a bond for one thousand pounds to the King that the said Goss should go for England with a Ship or Vessell he was then Master of according to the tenor of such bonds usually taken and that he the said Shapleigh being so bound by bringing to M^r Randolph the said Goss, said M^r Randolph did discharge him the said Shapleigh from the Bond wherein he was Bound to the King as aforesaid & also the said Goss told your Depon^t that M^r Randolph had discharged him and given him the said Goss leave to go home with the Vessell he
was

was then Mas' of lying in Somerset County in the province aforesaid & accordingly as your Deponent hath heard the said Gofs Mas' of the said Ship or Vessell departed with his said ship or Vessell accordingly from this Province. Witness my hand this 20 fourth day of October 1692

Phil Lynes

The Contents of the above
written was sworn to by
the aforesaid Philip Lynes
this 24th Day of October
1692 before us

Ne^a Blakiston
Nich Greenberry
Tho^a Tench

The deposition of Gilbert Clark aged thirty eight years or thereabouts — The Deponent upon his Oath taken on the holy Evangelists faith that in the Month of November last past he being at the House of M^r Ann Neale of Charles County Widow in company with one Edward Randolph Esq^r their Majestys Surveyor Generall and severall others known and professed Roman Catholicks (viz') Coll Edward Pye M^r Iames and M^r Anthony Neal did hear and see the said Randolph drink frequently a health to the Man that should have his Mare again and that they the said Roman Catholicks should not question but before May day next they should hear and know, the Man should have his Mare and afterwards they having some discourse concerning the present alteration of Government he the said Randolph bid them

them not mind it for it would not be lasting and further the
Deponent faith not

Gilbert Clark

Iurat 16 die Decembris
Anno Dom 1692 coram me
L : Copley

Upon reading whereof and due consideration thereof had
it was moved & thereupon Resolved that the whole matter
and all things thereunto relating be represented to their
Majestys by way of Letters to the right Honble the Lords of
the Treasury the Lords Committees of Trade and Planta-
tions and the Commissioners of their Majestys Customs with
Copys of all Papers concerning the same to be inclosed

Memd at the same time was produced and read at the
Board this follow^s Certificate of Record from New Castle
relating also to M^r Randolph (viz^t)

New Castle— These are by the King and Queens Autho-
rity, and in the Proprietors Name to will and require thee
Henry Vanderburgh to be and appear before the Iustices of
the Quarter Seffions to be held at Newcastle the twentieth
day of September next as well to answer for withholding
one thousand Pounds Sterl due to their Majestys as to abide
the Iudgment of the said court and hereof fail not at thy
Peril. Given at New Castle August 8th 1692

To the High Sheriff of the }
County of Newcastle }

This is a true Copy of the Originall Summons granted at
the request of Edward Randolph Esq^r Surveyor Generall

Ex^a

Ex^a p I^a Claypoole Cl Conc^l p^r dict
 The Originall of the above was Executed by me
 George Moor Dep^v Sheriff.

Received this 8th day of August 1692 of Iames Claypoole
 Dep^v Secry a Bond signed and sealed by Matthias de Hart
 Mas^r of the Sloop Unity of New York and Henry Vander-
 burgh his Surety of One thousand pounds Sterl to their
 Majestys upon condition to carry his Lading to England
 Wales or Berwick and nowhere else

Dated at New Castle April 24 1691 I say rec'd as above
 Edward Randolph Surveyor Generall
 New Castle August 8th 1692

I Did then promise to Henry Vanderburgh Merch^t to use
 my utmost Endeavour to prosecute and get arrested at the
 suite of their Majestys Matthias de Hart Mas^r of the Sloop
 Unity of New York in an acco^t of 1000£ due upon Bond
 dated the 24th of April 1691 (Henry Vanderburgh Merchant
 his Security) and to secure if possible the said Vanderburgh
 from further trouble in this Prosecution

Edward Randolph Surveyor Generall

Bee it Remembred that this 16th day of August 1692 at
 New Castle in Delaware River Henry Vanderburgh of the
 f^d place Merch^t Declares that on the 8th of this Instant Ed-
 ward Randolph Esq^r did Summon him the said Henry Van-
 derburgh to appear at the next Quarter Sessions to answer
 for withholding 1000£ Sterling due to their Majestys he
 being as Surety bound in a bond with Matthias de hart Mas^r
 of the Sloop Unity of New York for the said sum to their
 Majestys

Majestys but the said Edward Randolph told for twenty pieces of eight and paying the Fees he would withdraw the Action and prosecute the Bond ag^t Matthias de Hart the Principall to which the said Henry Vanderburgh Com-
ployed and the action was accordingly withdrawn where-
upon the said Esq^r Randolph gave him a paper which he thought to be a Receipt for the money a Copy whereof is above —

Henry Vanderburgh

Taken and attested this 16th Aug^t 1692
before me

W^m Markham L^t Gov^r

The above are true Copys of the Originalls Exam^d
p. Ia Claypoole Cl Com p dict

NewCastle in Delaware River
in America

Edward Blake one of the Iustices of New Castle declares that about the 8th of August 1692 at the request of M^r Edward Randolph Surveyor Generall he went into a room at the house of Iohn Cann in Company with Henry Vander-
[sealed] burgh and discoursed about the 1000£ bond to the King wherein the said Vanderburgh was surety and told him if he would be civill and Genteel he would endeavour to indemnify him from the said bond whereupon the said Vanderburgh offered 8 or 10 pees of eight which the said Randolph would not accept of but said if he would give him his note for 20 pees of eight he would do it, upon which they went to the attestants house where the said

said Vanderburgh paid the said Edward Randolph the money

Edw^d Blake

Attested and taken this 3^d September
1692 before me

W^m Markham L^t Gov^r

The within Edward Blake Iames Claypoole George Moor
[sealed] and Henry Vanderburgh were attested before me to
the truth of the within

W^m Markham L^t Gov^r

Read the severall Letters ordered to be writ to the Lords
of the Treasury &c^a as before (vizt)

Maryland Dec^r 21st 1692

May it please your Lordships

Having had just occasion to represent home to the right honble the Lords Committees of trade and plantations amongst other things the rude and insolent Behaviour of M^r Edw^d Randolph Surveyor Gen^l of the customs here in opposition to the present Government and the disturbance of their Majestys good and leige Subjects Wee hold it our duty likewise to give your Lordships a short and brief acco^t thereof he hath approved himself a Person Contemptuous of the Government and despising all manner of Authority but his own oppressing and tyranizing over the Subjects commanding and abusing their Persons pressing taking and employing their Servants Boats Horses &c^a without pay by colour of his Office making litigious and illegall seizures at his

his pleasure, and compounding privately with others for the breach of their Bonds though never so apparent as by the Copy's inclosed your Lordships may perceive he is in fine altogether averse to the present constitution and Frame of Government and expecting wishing and praying for a change and consorts himself with none others but Professed Papists and others their Majestys open and known Enemies with whom he makes it his Busines to drink healths frequently to the man that should have his Mare again (a by-word by them used to signify King James's return to the Crowne) encouraging in them the hopes of seeing the same effected by May day next which would have been otherwise taken notice of and be secured by the Gov'r till the Kings Pleasure had not his sudden and private Departure out of the Province prevented & in his return visiting none but the disaffected party: may it please your Lordships the due fence of our duty and our own Zeal and Affection to their Majestys Service only and not any private or particular animosity has drawn from us this Information, which we doubt Not by the next Shipping to strengthen and confirm by further Evidence & to give your Lordships a more ample acco^t thereof, in the mean time we beg pardon for this trouble & remain Your Lordships most humble Serv^r

To the right honble the L Copley
Lords of the Treasury at N Blakiston J Courts
Whitehall London N Greenberry Tho Brooke
 humbly present Tho Tench

Edward Randolph.

Maryland December 21st 1692.

May it please your Lordships

The frequent and continued rude & insolent Carriage of M^r Edward Randolph Surveyor Generall here is become so notorious and insupportable that we cannot forbear representing the same to your Honours in their true and naked tho modest and decent terms as we Can and the case will admitt we must assure your Honours that he is a Person of the most Pernicious evill Principles averse wholly to Government or any authority but his own, which he makes use of to very ill Ends seeking to Propagate and Promote his own Interest and satisfy his own avaratiouse appetite above and before their Majestys Service [then follow the same accusations as in the preceding paper]

L. Copley

N: Blakiston	John Courts
Ni Greenberry	Tho Brook
Tho Tench	

[*Addressed*] To the right honble the Commsrs of their Majestys Customs
at the Custom House London

ORDER TO ARREST EDWARD RANDOLPH.

Maryland Archives, Vol. VIII. p. 483. 6 April 1693.

Maryland By his Excell^y the Governor

These are in their Maj^{ties} names especially to authorize and impower William Harpam Gent : to apprehend, seize and take the body of Edw^d Randolph Esq. charged for offering & divulging severall false malicious & seditious speeches and reports

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reports scandalously reflecting on their Maj^s Government and tending to the alienating and diverting their good subjects the inhabitants of this Province from their due & naturall love and affection, faith and allegiance to their said Maj^{ies} and this their Government contrary to the peace and Lawes in such case made & provided, Wheresoever he shall be found and him in his safe custody keep untill he shall safely deliver him into the custody of the Sheriff of Somersett County by him to be forthwith brought before me at the City of S^t Marys to answear the premisses & what else shall be alledged ag^t him or their Maj^s behalffes & I do hereby strictly charge & co^mand all & singular their Maj^s Officers civil & military & others the inhabitants of this Province to be aiding and affliting to the f^d W^m Harpam in the due execution hereof as they will answear the contrary att their perills. Given under my hand and seal this sixt day of Aprill in the 5th yeare of our sovⁿ Lord & Lady King William and Queen Mary.

L. COPLEY

To W^m Harpam Gent :
hereunto especially authorized
and appointed These

Vera Copia

Rich : Farwell

[*Endorsed*] Copy of Gov^r Copley's warrant of the 6th of Aprill against E. Randolph. Rec^d 25 Sept. 1693 from M^r Randolph.

ORDER

ORDER TO SEARCH THE LODGINGS OF SIR THOMAS LAW-
RENCE, A MEMBER OF THE COUNCIL AND A JUSTICE OF
THE PROVINCIAL COURT, WHO WAS UNDER ARREST.

Maryland Archives, Vol. VIII. p. 499.

... Information had been given to his Excellency of a Letter he the said S^r Thomas had lately received from Esq^r Randolph who had also approved himself an Open Enemy to their Majestys and the present Governm^t scurrilously railing at & Reflecting upon the same he is desired to Produce the Letter for the Peruesall of the Board for that they did rationally suspect some treasonable treacherous matter therein Contained being Certainly Informed of his having publickly abused & bespattered the Governm^t He prays to be excused in the matter & denys the Delivery of the Letter for that he Conceived he is no wise bound to accuse himself or Ridicule M^r Randolph . . .

It is Commanded the Sheriff that he search S^r Thomas's Pockettts for what Papers he can find and also a warrant directed to Major Ninion Beal M^r William Bladen & W^m Nutthead requiring & Empowering them to search his own Lodging Room & Closet for what Papers they can find there and the same to seize & seal up in a Bag & bring them forthwith to his Excellency the Gov^r for Perusuall

The Sheriff having accordingly searched S^r Thomas's Pockettts produced severall Letters and among the Rest a Letter from M^r Randolph & a paper of memorials wth being read were lodged in the Clerks Hands and Ordered to be kept by him M^r Randolphs Letter is as followeth (viz^r)

From

[Redacted]

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From a Board the Ship Barbadoes
Merch^t April the 7th 1693

S^r— It was the 4th Instant before yours of the 14th of January Came to my hands were you pleased to direct your Letter to be left for me for which I am very much obliged to you the Governors treating S^r Thomas Lawrence & curtailing him in his rights makes me no ways question what you write in reference to my self but I value nothing knowing well the Bottom of the design but I expect Letters from England which will end all disputes having fully represented the State of the whole proceedings of the Government with every thing relating to the Practises of the Collectors I will not undertake to do my Duty in your Province further then I can be supported as to Clarks saying I wrote or drolled upon the Govⁿ speech, I think I sent no such thing to my friends at home they better know the Governors Circumstances then I can pretend to I never failed upon all occasions to write to our Friend M^r Glanvile and gave him a particular acco^t of your ill treatm^t I am now upon an Information from the Commissioners of the Customs crossing the Bay to Delaware & expect upon my return my Letters from England then shall have little more to do than to wait upon the Gov^r and his Idol Blakiston send me a Letter under your Cover to M^r Layfields how affairs go at Present in your parts it is probable Burnets Cafe may admit of a new hearing in England if not I intend to charge them their Maj^{ies} third Part not according to the most Partial Appraisement but to the full of what the Goods upon an honest rate might be reasonably worth, S^r I wish you all happiness with a Successful Answer to all your Just Complaints but what



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Edward Randolph.

what can be expected of Justice to a Subject from those who have no regard to their Majestys Interest I expect your Letters at my Return to Mr Layfields and am

S^r your humble Serv^t

E Randolph

The bearer is an honest man & will inform you the State of England as it was when he failed I know the Governor & Blakiston too well to trust them
To the honble S^r Thomas Lawrence
Their Majestys Secry of Maryland
at S^t Marys p Captain Sharples

Was produced and read the following Deposition of Cap^t Henry Smith viz^t — The deposition of Cap^t Henry Smith of Somerset County aged 58 Years or thereabouts The Deponent upon Oath saith that in the Month of June last, Rob^t Gofs Master of the Ship Marygold of Belfast being asked by this Depo^t what composition he had made with Mr Randolph the Surveyor Gen^u for the Navigation Bond of One thousand Pounds Sterl by him and M^r Philip Shapleigh his Security passed for the Brigantine whereof he was Master the last Voyage he replied he had given the said Randolph Bond for Fifty Pounds Sterl payable to him his Ex^r Administrators or Assigns the Depo^t further asked him if their Majestys Names were not Mentioned or Concerned in the said Bond and he replied no there were not so much as named and further this Deponent saith not

Hen Smith

Iurat 24 die Decembris 1692

Coram me

L. Copley

Ordered

Ordered that warrant be directed from this Board to Capt John Davis of Talbot County to apprehend and seize the said M^r Randolph if he shall come into those Parts and to bring him down to his Excellency at S^t Marys with all Convenient speed &c^a which warrant accordingly issued as follows (viz^t)

By his Ex^{clly} the Gov^r & Councill &c^a

Maryland ff — You are hereby in their Majestys names charged & commanded to apprehend seize & take into your Care & charge the Body of Edw^d Randolph Esq^r whensoever & wheresoever you shall find him being charged & accused of several false mutinous & seditious Scurrilous speeches & reports treasonable & rebellious practices conspiracies & Contrivances against their Sacred Maj^{sty}s and this their Government and him in your Custody closely safely & securely keep so as to have him before his Excellency at the City of S^t Marys with all possible & convenient speed & all & Singular their Majestys Officers & Majistrates Military & Civill & others the Inhabitants of & in this Province are hereby also willed & required to aid & assist you to the utmost of their Strength Skill & Power in the due and true Execution and Performance hereof as they will answer the Contrary at their Peril, Hereof fail not & for so doing this shall be your warr^t Dated at Councill Board the 8th day of April Anno Dom 1693 In the 5th Year of the Reign of our Sovereign Lord & Lady King William & Queen Mary &c^a

Signed p Order

J LL Cl Councill

To Captain John Davis of Talbot County

recommended

recommended to be executed
or have the same done. These

Ordered that the whole State of the Case of S^r Thomas Lawrence Esq^r Randolph &c^a be represented home to the right honble the Lords of the Committee of Trade & plantations by a Letter from this Board.

• • • • • • •

[To the Lords of Trade and Plantations.]

Maryland. Aprill the 11th 1693

May it please your Ldpps,

This serves for covert to the enclosed duplicate of ours of the 21st of December last, containing matter of complaint against two of their Majesties officers of considerable figure in this Province viz: Sir Thomas Lawrence Secretary & Edw Randolph Esq^r Surveyor General of their Maj^r Cus-
toms, general disturbers of the peace and quiet of the Province, We are heartily sorry we have fresh and continual occasions to make repetition thereof, their insolencies being grown to that height as to strike at the very root of Gov-
ernment in contempt of and opposition to their Majesties Royall authority, infoemuch that we have been necessitated at last to Commit and confine Sir Thomas upon severall Articles of impeachment . . . Wee shall (to give your Ldps as little trouble as may be) only nominate the other Officer M^r Randolph, of the like evil principles, inclinations and maner of proceeding, little or no waies inferior to the former in deceit, treachery & villany true correspondents both in iniquity. Wee have a large charge against him when wee shall

shall have the opportunity of meeting with him, which wee
have taken great care to do & thereof (when accomplished)
shall more fully advise your Ldps as alsoe of all other occur-
rences materiall to be offered by

May it please your Ldps

Your Ldpps most humble servants

L. Copley	David Browne	John Courts
Nea. Blakiston	Thomas Tench	Tho. Brooke
Nich : Greenberry	John Addison	

Maryland April 11th 1693

May it please your Ldps

Inclosed is Copy of our last to your Lordships dated the
21st of December last wherein according to our Duty as we
Conceived we presumed to give your Lordships an Acco^t of
the Insolent haughty and turbulent disposition & behaviour
of your Officer M^r Edward Randolph Surveyor Gen^l of their
Majestyes Customs in these American parts which with much
trouble & reluctance we find ourselves obliged & Compelled
to repeat and renew our Complaints against him to your
Lordships his Demeanor now being such as is almost or alto-
gether insufferable not to be born or endured by any civilized
or well regulated Government their Majestys Service and In-
terest is so Little his Concern & the Oath he has taken so
slightly regarded or taken Notice of that a Sallary were [bet-
ter?] bestowed on him to fitt still then appear in the Execution
of his Office which is only corruptly to take Bribes of Com-
pound with & pass by Offenders of any Nature to his own
private advantage & little or nothing Redounding to their
Majestys for whom it cannot be imagined that he can possibly

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have



have any great Loyalty when he confederates Combines & associates himself with none but their professed Enemies publickly drinking their healths & wishing & praying for a change & the return of King Iames to the throne endeavouring with the greatest zeal & vigour he Can to Insinuate & Infuse into all people where he comes & with whom he Converses the like wicked principles & inclinations aspersing, villifying & reviling with the greatest heat & rancour imaginable the present Government rendering us of his Majestys Council Persons from home no Iustice to be had & not to be trusted stirring up the People to an aversion and dislike of the Government & Stiffling in them as much as in him lyes their true & natural Love & affection faith & obedience to their Majestys & their lawful Authority here all which & much more we are well assured we are able plainly to demonstrate to your Lordships when occasion shall be & hope by the next to give your Lordships ample Satisfaction in that point having laid wait to take hold of him and bring him to strict examination he is sufficiently Conscious of his own Guilt & out of pure Malice & Spleen to this Government not offering to be seen in this Province nor appear in the Execution of his Office but watches all Opportunitys of Suprizing & taking Ships or Vessells coming into or going out of this Province & carrying them into Virginia & these make his advantage to the great Damage & Injury of this Government & we have good cause to Believe as little to their Majestys Service & Interest

We crave leave only further barely to hint to your Lordships the irregular & unseemly behaviour of one M' Fitzhugh an Officer also of their Majestys Customs in Virginia Deputy Collector

[Redacted]

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Collector of Pottomock who upon the Tryall of a Ship here
legally Seized as a foul Trader appeared at Court as an
Advocate or Attorney for the Defendant against their
Majestys . . .

. . . May it please your Lordships
Your Ldships most humble Serv^{ts}

To the right	L: C.
Hon ^{ble} the Lords	N B: I C:
of their Majestys	N G: I A:
Treasury at Whitehall	D B: T B:
London humbly present.	

.

Produced & Ordered to be read to the Board these two
follow^{ts} Letters from the Gov^r of Virginia (viz^t)

Sir — This Day by Letter from Accomack I have an
Acco^t that the under Sheriff of Somerset County & others
under pretence of your Excellencys warrant in Maryland
came into Accomack County in this Government about the
20th Inf^t & prevailing with a Simple Iustice there did take &
Carry away Edward Randolph Esq^r Surveyor General of their
Majestys Customs in these parts whereupon by advice of
their Majestys Council this is by Express to desire your
Ex^{lcy} to order the said Edward Randolph forthwith to be
returned to this Government from whence he hath been so
Carried contrary to all Rules of Government the Bearer M^r
James Shurlock is sent herewith to your Excellency from
Virg^a April 27th 1693

Your Excellencys most humble
Ser^r

E. Andros
To

To his Excellency Col Lionel Copley
their Majestys Captain General
& Governor in Chief of Maryland.

M^t Stephen Luff Sheriff of Somerset County having by Virtue of a praecept to him formerly directed for the apprehending & taking into his Custody of Edw^d Randolph Esq^r accordingly apprehended the said Randolph & Suffered him to make his Escape is called in & charged with his Neglect therein & Ordered to give his Excellency an Acco^t of the whole matter his manner of proceedings & what has passed between him & the Governor of Virginia upon his application made to him in Order to retreive his Prisoner which the said Stephen Luff having accordingly done it is Ordered that the said Stephen Luff together with Charles Nicholson to attend him do again wait upon his Excellency to demand the delivery up to him of his Prisoner & that a Postscript be added to the Letter ordered to be drawn the 6th Instant to the said Gov^r to acquaint his Excellency that Since the Writing thereof the said Sheriff was returned hither & had given an Acco^t of his Demands made to his Excellency for the Surrender of the said Randolph his Prisoner & of his Excellencys answer thereto from whence this Board had been encouraged to request his Exc^{ly} the Governor of this Province to send back the said Sheriff together with the sa:d Charles Nicholson in order to make a Second Demand & hoped his Exc^{ly} S^r Edmond Andros would comply therewith Was then produced & read the said Letter formerly writ (vizⁱ) the 6th Instant together with the Postscript added as above (vizⁱ)

May

[Redacted]

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May it please your Excellency . . .

Your Excellencys demands of returning M^r Randolph taken up at the reasonable request of the Magistrates of this Province to one of yours (a prudent & discreet Iustice) by vertue of his hue & cry for several notorious Crimes & misdemeanours of very high Nature Committed & done by said Randolph here ag^t their Majestys & this Gov^t are altogether anticipated & Prevented by that Nice and Diligent Officer the Constable of Accamack in whose Custody we understood he was & is detained but we hope your Excellency will do the Officer that pursues him that Justice as to remand him into his Custody from whom he made his escape & is thereby become a felon (in Order to be brought to a fair & legal Trial in time & place most proper & Convenient which we Conceive to be where the Fact was Committed whereof we do not in the least Doubt & are

Your Excellencys most humble Servants

Maryland May 6th 1693

S^r Postscript May 11th 1693

Since the writing & before closing of the former M^r Luff our Sheriff of Somerset County is returned from your parts & hath this Day given us an Acco^t of his application made to Your Excellency concerning M^r Randolph Feloniously broke prison & escaped from his Custody, whereby we are encouraged to Believe your Excellency will at our reasonable request deliver him up to this Gov^t to be proceeded against according to Law in Confidence & full Assurance whereof we send the Bearer Charles Nicholson together with the said Luff to wait on your Excellency & to receive your commands

mands to that purpose to whom we pray your Excellency to give all faith & credit as Coming from

Your Excellencys most humble Ser^{ts}

To his Excellency S^r
Edm^d Andros Cap^t
Gen^l & Gov^r in Chief
of Virginia.

L. C:
N B C H
N G I A
T T

• • • • • • • • •

Memd

M^r Stephen Luff Sheriff of Somerset County together With M^r Charles Nicholson being appointed by order of this Board to apply themselves his Excellency S^r Edm^d Andros Gov^r of Virginia & to dem^d the Surrender of Edward Randolph Esq^r Escaped from the custody of the said Sheriff his Exce^{ly} the Gov^r thought fit to give them these foll Instructions (viz^r)

Instructions for M^r Stephen Luff & M^r Charles Nicholson to Virginia (viz^r)

You are to waite & attend the motion of the honble Coll^o Andrew Hamilton & M^r Shirlock when they shall think fit to set forth from hence into the Colony of Virginia

With them you are to get Passage over & Land there at such place where they shall think fit or may most Conveniently set you on shore

Upon your arrival there you are forthwith to apply your Selves to the most likely & Convenient places for procuring Horses & a Guide if need be to Conduct & Carry you down to his Excellency the Gov^r of that Countrey

Where

Where when you arrive you are to endeavour to have a speedy admittance & access to his Excell^y & thereupon to deliver him the Letter herewith Committed to your Charge & pray his speedy answer thereto & your dispatch

If his Excellency shall think fit to deliver up Mr Randolph to this Gov^t you are humbly to request orders and Commands for his safe Conduct through the limits of that Countrey to the line or parting of that & this there to be delivered into the custody & possession of the said Luff

When you shall have so received him you are to pass your receipt there for if Required & take care that he be Sufficiently Secured watched & Guarded (that he may in no wise escape the second time until he shall be safely & securely brought before me at the City of S^t Marys in Order to further directions & instructions to be given Concerning him

An Exact Iournal & true acco^t of your whole proceed^{gs} from the time of your setting out to your Return you are to keep & Communicate the same to my self or my self & Council when required of all which you are not to fail upon your peril

Given under my hand the 12th day of May

1693 In the fifth year of the Reign of our Sovereign

Lord & Lady King William & Queen Mary &c^a

L. C.⁴

EDWARD

^a According to J. Thomas Scharf, Vol. I. p. 344, Governor Copley died in his *History of Maryland*, ed. 1879, "on or about 12 September 1693."

EDWARD RANDOLPH IN VIRGINIA.

Calendar of Virginia State Papers, from 1652 to 1781. Introduction, pp. xlili, xlvi.

"The tone of public sentiment is exhibited in the prosecution of Major Charles Scarburgh for using seditious language against the King on account of certain appointments made by him to the supposed detriment of the established church."

"An entry of expenses incident to carrying Edward Randolph, Esquire, to Col. Richard Scarburgh, doubtless had some connection with the trial of that gentleman heretofore mentioned."

Calendar of Virginia State Papers, from 1652 to 1781, p. 45.

An Acc^t of Severalls impressed by a Virtue of a Warrant from Mr Joseph Robinson in order to y^e Accommodating Edward Randolph Esquire in his voyadge to James Citty, May 9th 1693:

PRICE OF ARTICLES IN PENCE.

To 11 lbs of dried beef, at 4 ^d p. lb :	44 Account
To 24 lbs Bacon, at 4 p ^d lb :	96 current
To a fat weather,	150
To a bu : wheat ground down,	.64
To one bottle of Rumm.	.20
.	.
To impressing a Sloop and 4 hands etc.	.100
To 2 horses impressed & one man for y ^e Carrying Edward Randolph Esquire to Coll. Scarburgh's.	.120
To Indian meale, about 2 pecks,	.14
To . . . butter & y ^e port,	.64
	To

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To Capt Janifer's men and Cart to carry things down to ye landing, as beding, provisions, etc.,	.100
To Summon Lebat. de Laftalias & Capt Parker pr. order from Coll. Scarburgh,	20
To Summon Thos Bushnell and Edward Parker pr. ditto order,	20
To a Sloope Appraised According to Law at 50 pr. diem being 15 . . . ye voyadge, valu'd 4000,	750

IMPRESSMENTS

To my officer impressing provisions & attendance,	: 5
To 2 men's wages to sayle ye slope from May ye 11 th to May ye 26 th at 15 per diem, as ye Law directh,	450
To a man and horse, impressed and sent 40 miles to summons Edward Parker, tho found him not,	. . .
To 2 horses impressed, & one man, for ye Carrying Ed- ward Randolph, Esquire, to Coll. Scarburgh's etc	120
To M ^r William Anderson, his Committ ^{nt} ,	20
To my Attendance upon him to James City, from May 11 th to May ye 28 th , at 100 pd. diem all that tyme, as pr. p ^r cept from ye Honble Joseph Wormley, Esqr. — Sunma Errors Excepted.	

THOMAS WELLBURN,
Sher.

COMMISSION OF A SEARCHER OF CUSTOMS, 1695.

Pennsylvania Archives, Vol. I. p. 117.

William Clark Esqr Collector of their Maj^{ties} Customs in
the Province of Pennsilvania. To John Deplove Gent.
searcher of their Maj^{ties} Customs in the City & County of
Philadelphia, in the said Province.

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Whereas

Whereas Edward Randolph Esq^r Survey^r Gener^r of their Maj^{ies} Customs in the Main of America, did by his deputation under his hand & [seal] bearing date the 13th day of June Anno Dommny 1692, Depute & appoint the said Wm. Clark to be Collect^r of their Maj^{ies} Customs in the said Province & Territorys, I the said Wm. Clark do hereby appoint the said John Deplove to be Searcher of their Maj^{ies} Customs in the said Citty & County of Philadelphia with full power to Enter & go on board & search any Ships or Vessels which he suspects to have Either Loaded or unloaded any of the Production or Manufacture of Europe not Legally Imported in the said Province, and also any Ship or Vessell which he shall suspect to take on board any of the Ennumerated Plantation Commodities, not having been only entered and for which Bail with One sufficient surety hath not been first given and the said Ship or Vessell in which the said European Goods or Ennumerated Plantation Commodities were so taken or Bound or Imported in the said Province contrary to Law & the same to seize for their Maj^{ies} use & to Prosecute as the Law directs. Given under my hand & Seal of office at New Castle this 18th day of February in the Seventh year of their Maj^{ies} Reign Anno Dmin 1694-5.

Wm. CLARK, Collector.

Unto

UNTO THE HON^{BL}E COLL^T W^M. MARKHAM GOVER^R OF THE
PROVINCE OF PENSILVANIA & COUNTIES ANNEXED.

State Papers, Board of Trade, Plantations Gen^l., Vol. 4, p. 79. 15 April. 1695.

The Petition of W^m Trout M^t of the Brigantine Dolphin of
Boston in New England now rideing at Anchor in the
River Delaware before Marcus-hook in the County of
Chester

Humbly sheweth

That whereas one Edward Randolph did upon the 14th
day of Aprill Instant (being the Lords Day) come on Board
the said Briganteen & after some discourse with your Peti-
tioner did pull out his fork & therewith made a broad Arrow
on the Mast and said he would & did seize the said Brigant-
ine for the King with out shewing or giveing any reason for
his soe doeing of Purpose to Vex, Trouble, Moleſt & put Yo^r
Petitioner to unnecessary Charges, To the great Detriment
of your Petitioner & his intended Voyage back to Boston &
to the discouragem^t of Trade; And the said Edward Ran-
dolph as wee are Credibly Informed gives out that he is this
day goeing to New York & that You^r Petitioner shall not
come to Tryal till his returne wherein if your Petiton^r be
not Relieved by your Hon^r It will tend to the Ruine of the
Voyage the Briganteen being loaded with Wheat & fflower
boath Perishable Cōmodities & ready to saile

May it therefore please your Hon^r according to the
Laws and Customes of this Province in the like Cafes to
grant to your Petitioner an Order for a Speciall Court
to be held in the County of Chester where the said Ves-
sell

sell lyes for Tryall of the said Seizure, it being very unsafe for your Petitioner and his Crew to give their Attendance from the said Vessell at any other place of farther distance.

And your Petitioner shall ever pray &c:

W^m Trout

Philadelphia
y^e 15th of April 1695 { A Trew Copy Examined
 { p^r Iohn Clapole, Cle^r,

Province of }
Pennsilvania }

At a Speciall Court holden at Chester Town in the County of Chester in the said Province the 18th [16] Day of April in the seventh Year of the Reign of our Soveraine Lord & Lady King William & Queen Mary over England & Anno Dom^m: 1695

Edward Randolph Esq^r Surveyer Gen^r of their Majesties Customes in all the Provinces & Colonies on the Continent of America prefers an Information against the Brigantene Dolphin of Boston William Trout Master & her Loading, now or lately Riding at an Anchor within the said Province & also prosecutes as well for our Soveraine Lord & Lady the King & Queen as also for the Govern^r of the said Province & for himself & gives the said Court to understand & be informed; That whereas at a Parliament held at Westminister in the 12th Year of the Reigne of Our Late Soveraine Lord King Charles the Second there was amongst other things an Act made Intituled an Act for the Encouraging and increasing of Shiping & Navigation, whereby it was Enacted by the Kings Most Excellent Majestie & by the Lords

Lords & Commons then in Parliament Assembled & the Authority thereof that from and after the 1st Day of December 1660 and from thence forward noe goods or Comodities whatsoever shall be imported into or Exported out of any Lands Islands Plantations or Territories to his Maj^{ie} belonging or in his Possession or which may hereafter belong unto, or be in the Possession of his Maj^{ie} his Heirs Successors in Asia Affrica or America in any other Ship or Ships, Vessell or Vessells whatsoever, but in such Ships or Vessells as doe truly & without fraud belong only to the People of England or Ireland, Dominion of Wales, or Town of Barwick upon Tweed or are of the Built of and belonging to any of the said Lands Islands Plantations, or Territories, as the Proprietors & right Owners thereof and whereof the Master and three fourths of the Mariners at least are English; under the Penality of the forfeiture & los^s of all the Goods & Cōmodities which shall be imported into or Exported out of any the aforesaid Places in any other Ship or Vessell as also of the Ship or Vessell with all it's Gunns Furniture Tackle, Amuniēon & Apparrell one third part thereof to his Maj^{ie} his heirs and Successors one third part to the Govern' of such Land Plantation Island or Territory where such default shall be committed in case the said Ship or Goods be there seized or otherwise that third part also to his Majestie his heirs & Successors and the other third part to him or them, who shall seize Inform or sue for the same in any Court of Record by Bill Information Plaintiff or other Action, wherein no Essoyn Protection or wager of Law shall be allowed as by the said A&t relation being thereunto had more at large may appear. Nevertheless the said William Trout Master

of

of the said Brigantene Contrary to the said Act did in or about the 7th day of January 1694 Import into the said Province divers goods Wares and Merchandizes in the said Brigantene & hath also lately and since that time Laden & taken on Board the said Brigantene 7 or 8 hundred Bushells of Wheat or thereabouts in order to Export the same in the said Brigantene which doth not truly and without fraud belong only to the People of England or Ireland, Dominion of Wales or Town of Berwick upon Tweed as the Proprietors & Right Owners thereof, and whereof the Master and three fourths of the Mariners, are not English according to the Tenour & true meaning of the said Act, wherefore the said Edward Randolph who prosecutes aswell for our Soveraine Lord and Lady &: as also for the said Govern: as for himself: Prays the Judgment of the Court, & that Sentence and Condemnation may pass and be given upon the Premisses against the said Brigantene and her loading together with all her Guñs, furniture, Tackle, Ammunition & Apparell according as it is Enacted in the said Act.

{ This is a true Copy of the Originall
 Examined p' John Claypoole Clerk.

Philadelphia the
 16th Day of Aprill 1695

These are by their Majesties Authority to will and require you to Summon a sufficient Number of Good & Lawfull Men of the County of Chester to appear at the usuall Place for holding of Courts in the said County upon the 30th Day of Aprill Instant as Iurors to try A Speciall Matter of a Seizure of the Brigantene Dolphin depending

SEAL

[Redacted]

Documents and Letters.

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depending between Edward Randolph Esq^r & William Trout Master thereof at a Speciall Court to be held there the said day. And make returne thereof at the said Court, hereof faile not at thy Perrill & for so doeing this shall be thy Sufficient Warrent. Given under hand & Seal of the Province this 23. day of Aprill Anno Domⁱ 1695.

To Joseph Wood Sheriff } W^r MARKHAM
of the County of Chester } Gover^r.
True Copy Examined
p^r John Claypoole Cle^r
Philadelphia in Pensilvania.

The Deposition of Edward Randell Master of the Sloop Loyal Russell Aged about twenty eight Years upon his Attestation before me Antho: Morris one of the Iustices of this County sayeth as followeth that upon the 14th Day of this Instant he was sailing up the River of Delaware near about Chester, The Surveyer Gen^l Edward Randolph being then on board the said Sloop hailed A Briganteen then at an Anchor near the said place Enquiring whence they came & also enquiring who was the Master, Answer was made that it was In^r Lindsey and that they came from New England, whereupon the Surveyer Gen^l required me to come to an Anchor which I did & also carried him on Board the said Briganteen in my Boat & when wee came on Board the said Vessell Squire Randolph Inquired for the Master John Lindsey, who denied then that he was Master & there appeared one W^m Trout & said he was the Master and then the said Squire Randolph asked him what Country man he was and where he was borne the said Trout replied he was an Englishman

lishman & borne in the West of England & then the said Squire Randolph asked him what part and what Town in the West of England to which the said Trout made no answer, but an other person standing near him said Trout could not tell because he was brought away from England when he was a Child and further fayeth not.

Taken before me this 20th Day of the
Second Month 1695.

A True Copy Examined }
p' Iohn Claypoole }

ANTHO: MORRIS.

By their Majestys Authority &c.

At a Special Court held at Chichester in the County of Chester in the Province of Pensilvania the Thirtieth day of April 1695 being the seventh Year of their Majesties Reigne &c.

Iusticiaries present

Arthur Cook, Edward Shippen and George fforeman

The Court being called in Common form &c.

Edward Randolph Esq' Plt

William Trout Defendant.

The Plaintiff and Defendant being called to appear viz. the Plaintiff by his Attorney David Lloyd and the Defendant by his Atturnys John More and Griffith Jones, The Plaintiff which exhibits his information ag^t the Defendant which was read &c. to which the Defendant pleads not Guilty and of this he puts himself upon the Country and the Plaintiff in like manner whereupon a Jury being called impannelled, and attested to try the same, the Evidence were called and attested in Open Court. The Attestation of William

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William Trout Master of the Briganteen Dolphin saith that he was born at Permequid in New England and that he served an Apprenticeship with one Calender of Boston in New England Iohn Lindse and Eleaser Lindse Marriners belonging to the said Vessell upon their Attestation say that they were born at Linn in New England and that they have belonged to the same place this several Years, Richard Wilson Marriner belonging to the said Vessell being likewise attested saith that he was born at Belaugh in the North of Ireland; James Ascue dwelling in Sussex one of the Counties annexed to the Province of Pensilvania, upon his Attestation saith that he knew William Orr freighter of the said Vessell near these three Years and that the said William Orr was an inhabitant in the said County of Sussex and hath paid Scott and Lott to this Government as other Freeholders did, and the said William Orr likewise produced a paper to prove the same being in these words Received the Twenty fifth day of April One Thousand Six hundred Ninety four of M: William Orr and Partner Two pounds One Shilling and Eight pence being in full for the Rate levied upon the [penny?] p Bill I say received p John Hill Collector. Also received five shillings for his and partners County Levy p John Hill Sheriff. The Jury having heard all the Evidences withdrew and after some time bring in their Verdict in these words. This 30th of Second Month 1695. We of the Jury do find for the Defendant with cost of Sute and Lawfull damage. Henry Hollingsworth foreman, Whereupon the Atturny for the said Randolph produced a Note requesting an appeal viz. I Edward Randolph Surveyor Generall of their Majesties customs in the North America do on their Majesties

Majesties behalf by David Lloyd Atturny for their Majesties to prosecute the Briganteen Dolphin of Boston William Trout Master now under Seizure for their Majesties, Appeal from the Verdict of the Jury to the next Provincial Court. Philadelphia Aprill the 30th 1695 : Edward Randolph S : G : To which the Court answered so far as the King was concerned they were willing that the cause might be removed by appeal to the Provincial Court, And as concerning the said Randolph part the Court also expressed their readiness to Grant his Appeal he giving Security to prosecute his said Appeal as the Law of this Province requires but in respect of his absence and no Security presenting the Court admitted of his Appeal Provided he give Security before the Governor or such as he shall appoint to take the same for prosecution of the said Appeal. Notwithstanding which Appeal its further Orderd that the said Briganteen with her Loading be discharged so as to proceed their Voiage, The said William Trout giving Security to the value of the said Briganteen and Loading to the Governor or such as he shall appoint to anfwer such damage as shall be awarded against him upon the said Appeal, In case the said Randolph Give Security as aforesaid.

An Abstract drawn from the Records of
the said Court the Third day of May 1695
p John Claypoole, Cēr.

Philadelphia.

These are in the King and Queens name to require thee
SEAL. to Arrest the Body of Edward Randolph Esq: if
found in thy Bayliwick and him safely keep and
have at the next County Court to be held at Philadelphia
the

[Redacted]

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the seventh day of this instant month as well to answer to the Complaint of William Trout Master of the Brigantine Dolphin as to abide the judgment of the said Court. Given under my hand and Seale this 2^d day of May being the seventh Year of the Reigne of William and Mary over England &c. King and Queen Annoq Dom: 1695.

To the Sheriff of
the County of Philadelphia. ANTHO: MORRIS.

This is a true Copy of the Original
examined p John Claypoole Cleř. }

Philadelphia.

Edward Randall Esq: stands attached to answer the Complaint of W^m Trout Master of the Briganteen Dolphin of Boston, For that whereas at a Parliament of our late Sovereigne Lady Elizabeth Queen of England & in the eighteenth year of her Reign held & published amongst other things it is Ordained & Enacted That where any Informer delays or discontinues his Suite, or otherwise is nonsuited or overthrown that such Informer shall pay all Costs and Damages, and the said William saith that the said Edward Randolph by the Name of Edward Randolph Esq: their Maj^{es} Surveyer Gen^l for their Customes in the Continent of America who prosecuted as well for Our Lord & Lady the King and Queen and the Govern^r, as for himself in that behalf, at A Speciall Court held at Chester in the County of Chester the thirtieth day of Aprill Anno Dom: 1695 before Arthur Cook, Edward Shippen and George Foreman Iustices especially appointed by the Hon^{ble} William Markham Govern^r & a certain information of the said William

William Trout upon breach of An Act of Assembly Entituled an Act for the Encouragement of Shiping and Navigation made in the Twelf Year of the Reigne of Our Sovereign Lord Charles the Second late King of England, And although the said W^m Trout was by the Iury Acquitted & Lawfully not found guilty of the premisses, as was by the said Edward in his Information aledged as by the Records and proceedings more at large appeareth Yet the said Edward Randall, the said Statute of the eighteenth of Queen Elisabeth not minding, the said Edward the cost & damages to him acrewed by reasoun of the Information aforesaid in forme aforesaid exhibited hath not paid, whereby Action hath acrewed to the said William to require & have of the said Edward Randolph the Sum of fforty four pounds Eighteen shillings Silvermoney and reasonable cost & Damages sustained by the Occasion aforesaid according to the form of the said Statute of the Eighteenth of Elizabeth Yett the said Def^t the same to pay hath refused Allthough often requested, and still doth refuse to the said William's Damage sixty pounds And thereupon he brings this Suite.

[*Endorsed*]

Copy of A Tryall upon the
Seizure of the Brigantine
Dolphin, in Penfilvania.

Del^d to y^e Board by M^r Randolph.
Aug^t the 17th 1696.

AN ACCOUNT OF SEVERALL THINGS WHEREBY ILLEGALL TRADE
IS ENCOURAGED IN VIRGINIA MARYLAND AND PENSILVANIA,
TOGEATHER WITH METHODS FOR PREVENTION THEREOF
HUMBLY OFFER'D TO THE CONSIDERATION OF THE HONOUR-
ABLE THE COMMISSIONERS OF HIS MAJESTIES CUSTOMS BY
EDWARD RANDOLPH SURVEYER GENERALL &c.

State Papers, Board of Trade, Plantations Genl, Vol. 4. p. 57. 16 Oct. 1695.

- First.** The Ignorance remissions or Connivance of the Collectors permitting Masters of Vessells and others to import into their districts Goods and Merchandizes Prohibited by Law and to ad Tobacco upon their producing forged Certificates: Some are Traders having Offices of Trust and profit in the Government.
- Secondly.** The Naval Officers takeing persons of Small or no Estates to be Security for Masters bound to England Wales &c. but carry their Tobacco to Scotland directly yet afterwards upon their producing forged Certificates they discharge those forfeited Bonds.
- Thirdly.** The generall partiality of Courts and Jurys (byassed by private Interest) in causes relating to the Crown of which some as in Virginia and Pensilvania are not legally Quallified.
- Fourthly.** There is no penalty by Law upon Fobb [cheating] Masters nor upon Masters producing forged Certificates & Coquetts to the Collectors in the Plantations nor upon those persons who forge them (William MacCay in the Providence of London but John

John Carr was Caleb Hubbert in the Antelope of Boston Caleb Chaffin Master John Price in the Catherine of Boston Gustavus Hamilton Master.

~~Finally.~~

The Inhabitants on the Eastern Shore of Virginia Mary Land and Delawere River Scottishmen & Others haue great Stocks lying by them to purchase Tobacco and prepare a Loading ready to be put aboard any Vessell from New England &c who assist with Boats Sloops to get the Goods a Shoar before the Vessell is Entred, which they dispose of amongst their goods in the Store, the Vessel lying in some obscure Creek 40 or fifty Miles distant from the Collectⁿ Office and in a short time is Loaded and sayles out of the Capes undiscovered.

~~etc~~

Collectors permitting Vessells Entred outwards to some other place then to the Plantations as Ireland Newfoundland &c to trade in the Plantations bringing no Certificates that Security is given in England.

~~etc~~

Collectors permitting the Natives of the Kingdom of Scotland coming Passengers from thence by way of Berwick Whitehaven &c to the Plantations with Considerable quantities of Goods which in a Peddling manner they dispose of running in small boats from River and Creek to another.

~~etc~~

Their not prosecuting Masters vpon forfeiture of their Plantation Bonds, nor Vessells belonging to England Ireland or the Subjects in the Plantations upon Breach of the Acts of Trade unless they come into the Plantations where the Offence was Comitted.

Fobb

^{gably} Fobb Masters (as William Maccay, Caleb Hubbert, John Price, Stephen Lawrence last year &c) not worth five pounds apeece being Irish or Subjects in the Plantations Saile in Vessells belonging to Scottish Owners, and upon their Oath that they are such are permitted to trade if they can produce but a Coquett from England (as Robert Arthur &c)

^{scally} The Collectors nor their Deputies goeing abroad Vessells vpon their first Arrivall into their districts to Examine whither the Master, the Vessell and the Marriners are duly Qualified.

¹¹⁷ Their suffering Vessells belonging to New England Barbados &c carrying Bread, Flower, and Other provisions in Caske from Virginia Maryland or Pensilvania to the Plantations to load in any River or Creek 50 or 100 Miles distant from their Offices, by which means great quantities of Cutt and dried Tobacco are put up in Caske and carried to the Plantations.

¹¹⁸ Goverⁿ of the Plantations permitt Privateers of all Nations to be Masters and Owners of Vessells as in Pensilvania, New England &c for prevention whereof 'tis humbly proposed

¹¹⁹ That 3 or 4 active persons Experienced in Cus-tome-house busines be sent from England and disposed of in those districts where illegall Traders usually resort having Salerys, which with the Custom house fees of their Office will maintain them well, without Trading or dependance on the Government.

None

^{sd} None of Enumerated Plantation Cōmoditys are to be exported out of the Plantations till Bond be first given &c or Certificate produced &c as by the 12th of K: C: the Second And by the said Act the Govⁿ of the Plantations are required to take an Oath to observe the forementioned Clauses in that Act. But neither the Govⁿ nor such persons whom they shall appoint are by the 12th or by the 15th of the same King under any penalty if they take in sufficient Security &c All Governⁿ therefore ought to be under the same Penalty of 1000^d and forfeiture &c for taking ins̄ufficient Security as by the said Act of the 15th of the King they are for entring upon their Governments before they have taken the solemn Oath : Que^r whether the Gouerⁿ of Proprietaries haue not incurred the penalty of the Act for entring upon their Gouernⁿ before they have taken the Oath Enjoined thereby.

³⁷ That a Court of Exchequer be erected in all the Plantations on the Coast of America, to try all Causes (criminally Excepted) relating to the Crown, the Judges and Attorneys Generall to be appointed by his Majesty Our Emparlace to be allowed only: Appeals to ly from that Court to the Gouerⁿ & Councill and from them to his Majesty in Council: And to take the Officers Bond to prosecute to effect (mine was refused after the Tryal of the Brigantene do upon my appeale in Pensilvania.

^[sic] ^{40th} Hobb [Fobb] Masters and Masters producing a forged Certificate or Coquet to the Collector in the Plantations

Plantations to suffer 12 months Imprisonment and the Loss of the Vessell and Loading and the forger Imprisonment during life, And for discovery thereof, that our List of Certificates of Vessells giving Bond in the Plantations to goe to England &c only certifying the discharge of their Loading accordingly to be yearly sent to the Gover^t of that Plantation where they loaded, by such person whom the Commissioners of his Majesties Customes shall please to appoint, which List shall be deemed and allowed of for good Evidence in Law by all persons concern'd.

^{sably} No Master or Mate or other person belonging to any Vessell coming to the Plantations shall unlade any Goods or Merchandise whatsoever before entry made &c upon forfeiture of 200^l, And every Inhabitanter or forrainer that shall assist or take from on board such Vessell any goods into any sloop &c untill such Entry first made and the Master have shewed a permitt under the hand & seal of the Officer being Informed against & apprehended by A Warrant from a Justice of Peace in the Govern^t where the Offence was Committed and convicted thereof, shall for the first Offence loose the Sloop &c and all the goods a board or Landed out of her and pay the sum of ten pounds and for the Second Offence pay 20^l &c

^{cutly} All Vessells sailing from England &c to the Plantations to bring with them a printed Certificate that Bond is given in the Port from whence they cleared, Otherwise not to be permitted to Load under the penalty of [blank] to the Collector.

¶ All Scotch men being Agents and Factors coming by way of Whitehaven &c directly to the Plantations bringing with them Scotch Manufacture &c or the product thereof to purchase Tobacco, and bring the proper Goods of the subjects of the Kingdome of Scotland to be accounted Aliens according to the Act made in the 12th year of King Charles the Second.

¶ All English Irish or Subjects in the Plantations being Masters or Mates of Vessells ought Strictly to be prosecuted upon forfeiture of their Plantation Bond that a Copy thereof attested before the Govern^r in Councill under the Seal of the Government shall be valid Evidence against the Offender in any Court in England Ireland or the Plantations.

That no [blank] or fraudulent sale of any Vessell breaking the Acts of Trade in the Plantations shall barr the prosecution of her upon Testimony of the Fact viva voce taken before the Governor in Councill under the Seal of the Government which shall be a sufficient proof to Condemn her being Seized and prosecuted in what place soever in his Maj^r Dominions he shall be found by such person as shall be thereunto appointed.

That severall of those Copies and Testimonials of the Fact be sent to the Officers in such places where the Offenders may be mett with with Depositions of the Masters and Vessells ready to be made vse of upon the first arrivall of either of them, that the Defend^r have liberty to appeal.

That

That all the Masters and Vessells which have broken the Acts of Trade belonging to Ireland or New England be proceeded against upon the Copyes of their Bonds &c given in Years 1693 & 1694 And that Nathaniell Dives of Londondery who run away with his Ship and Loading after she was seized for his Majesty be prosecuted in Ireland where he now inhabits.

gally
No English Irish or Subjects in the Plantations to saile Master or Mate in any Vessel belonging to the Subjects of Scotland, upon any pretence whatsoever upon forfeiture of the Vessel and her Loading the One Moiety to his Maj^y the other to the Informer if discovered in one Year next after the Offence Committed or to such Master or Mate upon revealing & making known his Offence to the Governor or the Collector in the Plantation within 20 days after his Arrivall.

robb
The Collector or his Deputy to goe aboard where there is ground of Suspicion to view the built of the Vessel, the Master to give an Account in writing of the Names of all his Owners the place or places of their habitation with the Number and Names of all his Saylers upon Oath and signed by him before Witnes, if afterwards he be Convicted to forfeit 500^d the one Moiety to his Ma^y &c

robby
All Vessells Carrying Tobacco or Provisions in Caske from Virginia Maryland or Pensilvania to any other of his Majesties Plantations ought to haue two parts [ports] only allowed to load and unload at in each

each Colony and Province to be appointed by the respective Governor the Collector or his Deputy to be allways present at the time Loading upon penalty.

^{natty} New England Pensilvania, South Carolina, and Other places, abound with Privateers (the pest of all Trade) no Privateer to be admitted by the Gover^r to Enjoy any Libertys or priviledges in the Plantations untill hee have given sufficient Security (not less then 1000^d Sterl) to be taken and approved of by such person as his Maj^y shall please to appoint and then to haue Liberty &c

[*Endorsed*] Copy of M^r Randolph's Proposalls to the Com^m of the Customs to discourage the illegall Trade in the Plantations: presented to them the 16th Octob^r 1695. Del^d to me the 17th Aug. 1696.

RANDOLPH'S PETITION: ALSO PROPOSALS TO PREVENT
DELAY IN LOADING TOBACCO.

State Papers, Colonial, Board of Trade, 2. Bundle C. 31 Jan. 1695.

To the Right Hon^{ble} the Committee of the Lords of his Ma^{ies} most Hon^{ble} Privye Councill.

May it please y^r Lord^s PP^s

I did humbly represent in my papers now under y^r Lord^s PP^s Consideratiō the many mischeifes arising to the Revenue of y^e Crown by y^e Subjects of Scotland trading directly to & from that Kingdome to his Ma^{ies} forain Plantations.

During my Stay in those Plantations I obserued that M^r of vessels mett with Great Difficulties in loding their tobacco either

either by their Saylers deserting their Service, or by y^e Comanders of his Ma^{ties} Shippes of Warr preffing them. So that the Convoy left 25 Sayle of vessells last yeare exposed to y^e Danger of Privateers.

For remedy whereof for the future, I did humbly present to the Right Hon^l the Lords of y^e Committee for Trade Propofalls (a Copy whereof is humbly annexed) which their Lord^{ps} were pleased to approve of, and on y^e 13 of Decem^ber past referrd them to their Lord^{ps} of the Admiralty to report thereupon.

Now in regard the Severall matters therein containd are of great Import to his Ma^{ties} Service: in having all the Merchantable Tobacco (from whence a moft Considerable Revennu doth yearly arife) loaded tyme enough, that all vessells return under Convoy:

Its humbly proposed,

That their Lord^{ps} of the Admiralty do accordingly make their Report: That his Ma^{ties} Gratiouſ directions may be had thereupon.

All which is etc:

Jan^v: 31:

1695.

by

EDRANOLPH. S: G:

[Annexed]

To the R^t Hon^{ble} the Lords of the Committee for Trade and Foreign Planta^cons.

The humble Representa^con of Edward Randolph Surveyor Generall of His Ma^s Customes in the Colonies and Planta^cons upon the coast of America.

May it please yo^r L^opps

His Ma^s ships of War fent yearly to convoy the Veffells trading

trading to Virginia and Maryland, come to an anchor upon their arrivall at Point Comfort in Virginia, and there continue till y^e return of the Fleet to England; which is about 80 leagues distant from some of the harbors and creeks in Maryland, where ships from London and other places do yearly load, and not one of them is sent into that Province to assist the Masters in their loading in case their Sailors fall sick or run away from them, now much practised. They go those long voyages to avoid being press'd into His Ma^w Service at home: some get ashore, and are harbour'd and conceald by the Planters in the Country; but the far greater number (in expecta \tilde{n} on of much higher wages) are incouraged and entertaind in Philadelphia in Pensilvania where ship themselves either abord the Privateers for shares, or upon vessells trading illegally to South Carolina, or Carasaw; whereby His Ma^v loses every year the service of many able Sailors, who seldom return to Engl^d. The homeward bound ships are weakly man'd, and not capable to defend themselves ag^t the Com \tilde{n} on enemy; neither can y^e Mast^r comply with the Condi \tilde{c} on in their bonds to return y^r men to England.

Nigh a 100 Sailors ran away last year from the ships belonging to London and other places, loading tobacco in Maryland and Pensilvania, which with the Sailors sicknes, and the extraordinary frost and snow, so obstructed the Masters in their loading that 25 vessells, of which some carried 7 or 800 hogsh^d a peece, were left by the Convoy to shift for themselves, and might have bin lost; but Colon Nicholson stopd them til they were all loaden, and made one Com \tilde{n} dore for that voyage.

Great

Great differences arise often between y^e Masters and their men, and sometimes mutinies among the Sailors, not to be compos'd by the Civil Magistrate; which might effectually and speedily be suppress'd, if a Man of war Orderd his station in Patuxant river in Maryland, (being the place where ships clear with the Officers of His Ma^u Customs) and to continue there til the ships loaden in y^e remoter parts of the Bay, come thither, and are ready to join y^e Virginia fleet at the Comandⁿ prefixed time of failing home.

Now to the end that Masters of vessels trading in those Planta^cons may be (for the future) not delayed in their loading and dispatch,

It is humbly proposed

1. That one of the Convoy ships now bound out with y^e Merch' men to those Planta^cons, may (upon her arrivall) be Orderd to sail to Patuxant river in Maryland, and to be aiding & assisting to the Masters as just occasion may require.
2. That direc^con be given to y^e Governors in Virginia & Marylād to make Law injoining a severe penalty upon any Planter or other person whatsoever, that shall hereafter allure or entice any Sailor [&c] from his service abord ship or otherwise in the voyage, or shall harbor and conceal any of them in their houses or elsewhere.
3. That strict Order be sent to y^e Governor of Pensilvania, and y^e three lower Counties on Delaware bay, to seize upon & apprehend all Sailors and Mariners coming into that Government by land or water from Virginia or Maryland, and to send them back again with a guard, to be delivered to one of the Members of His Ma^u Councill in either Government from whence they run away, to be put abord one of His

His Ma^{ts} ships of war, to be proceeded against as Runaways & deserters of His Ma^{ts} service.

And whereas tis a known & co^mon practice of Masters & Owners of Merch^{ts} ships to hire & entertain abord, upon extraordinary wages, the Sailors belonging to, & in His Ma^{ts} Service in y^e Ships of war in the Planta^cons (as in New England &c.) by which means those ships are rendered incapable to pursue & perform their Services as in duty bound, which obliges y^e Capt^r & Co^mand^r of His Ma^{ts} ships of war to press Sailors out of vessells trading to and from those Planta^cons, to the utter ruine of their voyage also.

It is therefore humbly proposed That all Masters & Owners of vessells upon merch^t employ, who shall hire for wages, or keep abord any such Sailor without y^e license under y^e hand & seal of the Capt^r or Co^mand^r of the ship of war to whom he did belong first had & obtained, shall, upon due proof & convic^con thereof, forfeit y^e sum of, —— the one moiety to His Ma^v and the other to him who shall inform & prosecute for the same within —— days after y^e offence committed.

And that every Capt^r or Co^mand^r of any of His Ma^{ts} Ships of war coming into any His Ma^{ts} Planta^cons, shall not, upon the death or ruⁿing away of his men, pres^s or take from abord, any of the Sailors or other persons belonging to Merch^{ts} vessells, without having first made known to y^e Governor of such Planta^con, the cause, and also y^e number of men wanting to make up y^e Complement, with all due regard had to the encouragem^t and promoting the Planta^con Trade. Such like methods will be lesse chargeable to Merchants,

chants, and render His Ma^{ts} Ships at all times ready for Service.

Referrd to y^e L^{ds} of y^e Admiralty
All which &c.

13 December past.

by ED RANDOLPH Surv^r Genⁿ

[Endorsed] M^r Randolphs Petition.

[And further] Proposalls humbly offred to prevent Delayes in Masters loading tobacco in the Plantations, and to secure them from being taken in their Return home.

RANDOLPHS MEMORIAL.

State Papers, Colonial, Board of Trade, 2, Bundle C. 10 Feb. 1695.

To the Right Hon^{ble} the Committee of the Lords of his Ma^{ties} most Hon^{ble} Privye Councill.

May it please y^r Lord^s ppes

In my Memoriall presented to y^r Lord^s ppes by y^e Comm^r of his Ma^{ties} Customs, I did therein Humbly represent the great damages arising to the Revenue of his Ma^{ties} Customs on Tobacco: by the illegall Trade carried on to & from the Plantations to Scotland directly by the Subjects of that Kingdome as also the Impossibility of Suppressing the Same for the future untill those many vasts [sic] tracts of land upon y^e Continent of America; now in the possession & dispose of severall Proprietors be brought to a strict Conformity to the Acts of Trade & Navigation.

My occasions pressing me Suddainely to depart for that Continent of America, unlesse y^r Lord^s ppes shall please to Command my attendance & further Informations in order

to make a Compleat Regulation in the trade of all those separate Colonyes & Provinces:

I humbly attend the signification of y^e Lord^s pleasure therein.

All which is etc :

by ED RANDOLPH: Sur^r Geⁿ

[Endorsed] M^r Randolph : Mem[#]
Read 10 Feb : 1695.

EXTRACT OF PRESENTMENT FROM COM. OF CUSTOMS.

State Papers, Board of Trade, Plantations General, Vol. 4. p. 29.

At the Councill Chamber in Whitehall
the 23rd day of July 1696.

Present: Their Excellencies the Lords Iustices in Councill.

It is this day Ordered by Their Excellencies in Councill that the annexed Extract of a Presentment from the Commissioners of y^e Customes, to the Right Hon^{ble} the Lords Commissioners of the Treasury, be sent to the Council of Trade, to Report their Opinion, as to what Relates to Attorney Generalls to be appointed for the Plantations according to the Proposall of the Commissioners of the Customes.

W^r BRIDGEMAN.

Extract of a Presentment from the Comm^r of his Ma^t Customes to the R^r Hon^{ble} the Lords Comm^r of his Ma^t Treasury.

Whereas by the Act made in the 22nd and 23rd yeares of the Reigne of King Charles the Second, 'tis provided that if any

any Shipps or Vessells shall lade any of the enumerated Commodities before Bond given in manner therein directed to carry the said Goods to some other of his Ma^{ties} Plantations, or to England Wales or Berwicke, or which contrary to such Bond shall carry the said Goods to any place, other then to such other English Plantations as doe belong to his Ma^{tie} or to England Wales or Berwicke and there lay the same on Shoar, every such Ship or Vessell shall be forfeited with her Guns, ffurniture and Ladeing, the one Moyety thereof to the Kings Ma^{tie} and the other to him or them that shall Seize and Sue for the same in any of the said Plantations in the Court of the High Admirall of England, or of any of his Vice Admiralls, as well as in any Court of Record in England, and by the aforesaid Act for preventing Frauds and regalateing Abuses in the Plantation Trade, the Penalties and fforfeitures therein mentioned are to be recovered in any of his Ma^{ties} Courts at Westminster, or in the Kingdome of Ireland, or in the Court of Admiralty held in his Ma^{ties} Plantations respectively where the Offence shall be committed at the Pleasure of y^e Officer or Informer, or in any other Plantation belonging to any Subject of England; The Commⁿ do humbly move as highly conduceing to the due Execution of these and other penall Lawes for the Good of the Plantaⁿon Trade, That such Courts of Admiralty may be erected in each respective Plantaⁿon, And that Persons of knowne Ability and Integrity may by Cōmission from the Lords of the Admiralty be accordingly impowered for these purposes, And likewise that Persons of Experience in the Laws may be Nominated and Recōmended by the King,

King, to the respective Governors to be Employed as Attorneys Generall for the Prosecucon of Bonds, Trying of Seizures and other matters relateing to the Crowne.

ROBERT CLAYTON
ROB^T. SOUTHWELL
WALT YONG
JA: CHADWICK
SAM: CLARKE
BEN: OVERTON.

A true Copy.

W^m Bridgeman.

[*Endorsed*] Presentm^t from the Com^r of the Customs relating to the Execution of Penal Laws against irregularities in the Plantaē Trade, and the establishing Courts there, with proper Officers for that purpose: With an Order of Councill upon it, dated July the 23rd 1696.

Read the 27th

THE NAMES OF Y^E GOVS IN THE SEVERALL ISLANDS COLO-
NYES & PROVINCES TO HIS MA^T BELONGING IN AMERICA:
SOME OF THEM ARE APPOINTED BY HIS MA^T IMMEDIATE
COMMISSION: OTHERS BY THE OWNERS OF PROPRIETYES
PUTT OUT & REMOVED BY THEM AT PLEASURE: OTHERS
ANNUALLY ELECTED.

State Papers, Board of Trade, Plantations Gen^r, Vol. 4. p. 37. 29 July 1696.

Gou^r by his Ma^{des} immediate Commission;

Islands:

Jamaica
Barbados

S^r William Beefton
francis Russell : Esq:

Leeward

Leeward Islands

{ Antequo
Nevis
S: Christophers:
Mount Seratt
Bermudos

Co^t: Christopher Codrington: Gou^r
Co^t Thomas Hill : Lt^t Gou^r
Sammuell Gardner
Lt^t Gou^r of Nevis :
Co^t: John Goddard.

Continent

Virginia
Maryland
New Yorke:
New Eng^d

S: Edmond Andros
Co^t : ffrancis Nicholson
Co^t : Benjamin ffletcher
William Stoughton Esq: Lt^t Gou^r

Gou^r by Proprietors

Bahama Islands
Carolina

Nicholas Trott Esq:
John Archdale a Quaker: for his

Son :

{ Jō:
Goodson
Sam : Car-
penter
Assistants.

Pennsilvania
East Jersey }
West Jersey }
New Hampshire

M^r William Markham
M^r Andrew Hamilton
a Scotch man :
M^r William Partridge:

m. New Eng^d

Gou^r by Charter: annually Elected.

Colony of Connecticut
Colony of Rhode Island

M^r Robert Treat:
Caleb : Carr : late Gou^r an illiterate
man.

'Tis one of those places (as I formerly represented) which harbours pyrates: Cap^t Tew a pyrate came theither last yeare with a very great Sum^m of money & 4 vessells very well mannd Sayld from thence to the Red Sea: sometyme after.

The

The Gou^r in all his Ma^{ties} plantations are by the severall
Acts of Parlm^t relating to Trade enjoined as ffollows:

- 12 C. 2. To take an Oath : etc :
not to allow an vnfree Ship to trade upon for-
feiture of their places :
- To take Bonds : etc :
- 15 C. 2. To take an Oath, to obserue what is therein
Enacted vpon forfeiture of 1000^d : etc :
- 22 & 23 C. 2. To take Bonds, & to receiue Certificates
from y^e Officers in some Custome house in
Eng^d
That bonds haue been there giuen :
- To return to his Ma^{ties} Officers in the port
of London a List of such vessells as shall load
any of the Cōmodityes in such plantations, and
also Lists of all Bonds taken by them.
- 7 : & 8 : G : 3. All Gou^r or Commanders in cheife etc :
shall take a Solemn Oath : to do their vtmost,
That all the Clauses matters & things con-
tained in the before recited Acts of Parlm^t :
heretofore passed : & now in force : etc : bee
punctually & bonâ fide obserued : etc :

All which is humbly submitted by

etc :

EDRANDOLPH :

July : 29th 1696.

[*Endorsed*] M^r Randolph's List of the Names of the
present Govern^r of the American Plantations

July, the 29th 1696.

Read the 31st

To

TO THE HON^{BL} THE COMM^{RS} OF HIS MA^{TIES} CUSTOMS. PRO-
POSALLS HUMBLY OFFRED, FOR THE MORE EFFECTUALL
PUTTING IN EXECUTION THE ACT FOR PREVENTING FRAUDS
& REGULATING ABUSES IN Y^E PLANTATION TRADE.

Board of Trade, Plantations General, 4, (53). 31 July 1696.

1. That the Gov^r in all the proprietyes be duely qualified for the discharg of their Trust, in relation to the Acts of Trade, as in y^e Act for preventing frauds etc. is directed.
- 2: that fitt persons be appointed to be the Gov^r of Carolina & Pensilvania to prevent the illegall Trade carried on by Scotchman & others in vessells belonging to New Eng^d & penfilvania, from those provinces, to Scotland, Carasaw, & other unlawfull places.
3. That a Commission under the Great Seal of Eng^d (as formerly) be directed to divers persons with power to administer the Oath to the present Gov^r in all the plantations: & also to such who shall hereafter be made Gov^r of any of them: before their entring upon any of their respective Govern^m.
- 4: that there be appointed a Judge, a Register, a Marshall of the Courts of Admiralty, and an Atturney Gen^l in all y^e Colonyes & Provinces upon the Coast of America, to trye Causes arising upon Seizures & forfeitures, made upon y^e Breach of y^e Several Acts relating to the Trade in the plantations (as in the afore said Act for preventing frauds etc. is directed.
- 5: that all such Collectors & others, who have by ignorance or Connivance encouraged the illegall Trade in the plantations

plantations be removed, & honest & able Officers be putt in their Roomes and also in places where Officers are yet wanting, for the better putting the said Act in Execution.

All which etc:

by ED RANDOLPH

[*Endorsed*] Proposalls about effectuall putting the Act for preventing frauds etc: in execution in the plantations. Presented to the Board by M^r Randolph, July the 31st 1696.

THE NAMES OF PERSONS TO BE THE JUDGES REGISTERS &
MARSHALLS IN THE COURTS OF ADMIRALTY & ALSO OF
ATTURNEYS GEN^L IN THE FOLLOWING COLONYES & PROV-
INCES ON THE CONTINENT OF AMERICA.

Board of Trade, Plantations General 4 (45). 31 July 1696.

Virginia & North Carolina.	Edward Hill : (of the Councill Myles Cary Michaell Shereman Edward Chilton	Judge Register Marshall Attorney Gen ^l
Maryland.	Henry Jolls on y ^e western shore of y ^e Bay. Georg Robotham on y ^e Eastern shore Henry Denton Thomas Collier Edward Chilton	Judge Judge Register Marshall Attorney Gen ^l
Pensilvania & West Jersey.	Ric ^t : Holloway William Rodney	Judge Register
Ric: Hollaway: Judg.	Robert Webb Edward Chilton	Marshall Attorney Gen ^l
New York.	Cott. W ^m Smith John Tuder	Judge Register
		Jervaise

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	Jervaise Marshall	Marshall
	James Graham	Atturney Gen ^{ll}
East Jersey & y ^e Colony of Connecticut to be under the Jurisdiction of y ^e Court of Admiralty in New Yorke.		
Road Island Colony.	[Peleg] Sandford	Judge
	Nathaniell Coddington	Register
	William Allen	Marshall
	Thomas Newton	Atturney Gen ^{ll}
Province of the Massachusetts Bay.	Nathaniell Byfield	Judge
	Laurence Hammond	Register
	Henry Franklin	Marshall
	Thomas Newton	Atturney Gen ^{ll}

Mem: that the fees of the Officers in the Severall Courts of Admiralty (now not known) be ascertaind by the Judge of y^e Court of Admiralty in Eng^d to be approved of & allowed by the Gov^r & Councill in Each Respective Gōm^t or otherwise as shall be directed.

That upon the absence Removall or death of any of the said Officers, the Gov^r in those places be impoured to appoint other persons to officiate in their Rooms: & to return the names of such persons to the Admiralty in Eng^d to receive from thence Deputations accordingly.

That there can be no Establishment of Courts of Admiralty in the Bahama Islands Carolina or in any other of the Proprietyes untill there bee a regulation in the Gōm^t as is directed in the Act for preventing of frauds and Regulating abuses in the plantation Trade:

All which is humbly Submitted

July 31:

1696.

by etc: ED RANDOLPH.

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The

(47.) The Names of persons to be appointed the Officers in
the Courts of Admiralty:

New Yorke	Coll: William Smith	Judge
	John Tudor	Register
	Jervaise Marshall	Marshall
Bermudas	Gilbert Nelson	Judge
	Samuell Spoforth	Register
	Samuell Daffry	Marshall
	Nicholas Trott ju:	Atturney Gen ⁿ
South Carolina.	James Moore	Judge
	Ralph Izard	Register
	Edward Rawlings	Marshall
	Jonothan Armory	Atturney Gen ⁿ
Bahama Isds	Christopher Hooper	Judge
	John Warren	Register
	John Cocke	Marshall
	John Graves	Atturney Gen ⁿ

This was given in by M^r Randolph y^e 10th of Aug^t

[This page endorsed.]

To M^r Popple : ju:

The names of fitt persons to be the Officers in the Court of Ad-
miralty in the Province of New Hampshire in N: Eng^d

John Hincks	Judge
Robert Tufton Mason	Register
Phea[saal] Estwick	Marshall
Thomas Newton	Atturney Gen ⁿ

[Endorsed]

The Names of persons to
be appointed Judges Regis^m
Marshalls & Attorneys
Generall: etc :

Presented to the Board by M^r Randolph
July the 30th 1696.

AN

AN ACCOUNT OF SEVERALL VESSELS SEIZED & PROSECUTED
BY EDWARD RANDOLPH SURVEY^R GEN^{LL} OF HIS MA^{TS} CUS-
TOMS: AND CLEERD BY THE COURTS & JURYES IN VIRGINIA
MARYLAND AND PENNSILVANIA.

Board of Trade, Plantations General, 4. (41). 31. July 1696.

- Virginia.
April 13.
1692. the ship William & Mary Thomas Merch M^r
tryed at the Gen^{ll}. Court & the M^r permitted
to Sayle upon his Bond. Merch afterwards
confessed he belonged to Scotch men.
- March 12.
1693. the Ship Elezabeth of Berwick John Edmeston
M^r tryed at a Speciall Court holden in North-
umberland County acquitted by the Jury.
- April 24.
1694. the Ship Mary & Ellery of Tops[haln] Tho:
Carpenter M^r tryed at a Generall Court &
acquitted by y^e Jury.
- Maryland.
June 2.
1692. The Ship providence of London William Mallery
M^r and the Bark Catharine of Londonderry
Andrew Crookshanks M^r: both tryed at a
Speciall Court & acquitted.
- June 19.
1694. the Ship Ann of Maryland John Blackmore M^r
Tryed at a Speciall Court & acquitted by
Proclamation.
- November 6. the same ship Tryed then at a provinciall Court
in S^t Maryes & acquitted.
- May 21.
1695. the Judgment of the provinciall Court in that
cause was upon appeale to the Gov^r & Coun-
cill was reverſed & a new Tryall ordered.
- Pennsilvania.
April 30. the Brigantene Dolphin of N: Eng^d John Linsey
& William Trout, Masters: William Orr a
Scotchman

Edward Randolph.

Scotchman Merc^t & part Owner: tryed at Chester in pensilvania & acquitted: & the prosecutor imprisoned for damages.

vide

Tryall of Clarke y^e Collector by the Gov^t & Coun-
cill against Goods from Carasaw.

Quer: wheither the Gov^t of Our plantation
can qualifie a forainer by his Naturalization
to trade to another plantation as Master Mer-
chant or Mariner.

From all which I represented to the Commⁿ of his Ma^{ies}
Customs: That the illegall Trade in the plantations was
Supported & Encouraged By the Generall partiality of
Courts & Juryes (byassed by private Interest) in Causes re-
lating to the Crown.

[*Endorsed*] List of vessells tried &
 cleared by Juryes in
 Virginia etc :
Presented to the Board by m^r Randolph
July the 31st 1696.

RANDOLPH'S FURTHER PROPOSALS ABOUT ATTORNEY GEN^{ts}
IN PROVINCES.

State Papers, Board of Trade, Plantations Gen^t, Vol. 4, p. 113. 25 Aug. 1696.

To the Right Hon^{ble} the Lords & Others the Comⁿ for
Trade.

May it pleas Your Lordships.

Having in my paper of Proposalls to the Comⁿ of his
Ma^{ies} Customs, for the better putting in Execution the Act
for

[REDACTED]

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for preventing frauds &c. (a Copy whereof I presented to Y^t Lordships) Offerd, that there be a Judge, a Register a Marshall & an Attorney Generall Apointed in all the Colonies & Provinces upon the Continent of America, I was directed by their Hon^t to nominate persons fitt for those Employments: And Accordingly I did in another paper (now before Y^t Lordships) give in the Names of Several Such persons: Not but that there were Attorney Gen^{ll}s in divers of those places, But in regard (as I informd the Com^r) som of them are wholly Ignorant of the Laws & practice in the Courts of England, & others Countenanced the Illegall Trade, So, that Untill they were removd & persons understanding & well experiencd in the proceedings at Law, be recommended to Such places, it coud not be expected, That the A^cts for Securing the Planta^cons-Trade, Shoud be Executed & Observd, I do therfore humbly lay before Y^t Lordships, an Account of the present Attorney Gen^{ll}s in those Colonies & Provinces, & my Reasons, why Some of them Shoud be removd, & others to be Appointed in their Roomes.

Bermudas. Nicholas Trott ju^r is the present Attorney Gen^{ll} of those Islands, & (as I am informd) a person fitt to be Continu'd.

South Carolina. Jonathan Armory: I am likewise informd, that he is the present Attorney Gen^{ll} & fitt for that Office.

North Carolina has no Attorney Generall.

Bahama Islands, I hear the fame likewise of Iohn Graies (now in England.)

Virginia: Edward Chilton was made the Attorney Gen^{ll} of Virginia, by Coll. Nichollson then Liev^t Gov^r of that Colony,

Colony, about the Year 1690: & was continu'd by S: Edmond Andros, who Succeeded in the Governm't: but m^r Chilton having leave from S: Edmond, to come for England, William Randolph, (brought up in that Country) was then made the Attorney Gen^l: but he is wholly unacquainted with the Laws & practice in the Courts in England, & for that Reason only, I propos'd m^r Chilton, a Barister at Law, well known & Approvd of, by Many Eminent Lawyers, for his Knowledge in the Law.

Maryland. Edward Winn, a Barister at Law, was made Attorney Gen^l: of Maryland, by Col^t Copley, then Gov^r of that province: Upon Wins death, George Plater, then Collector of the Customs in Patuxē obtaind the favour of Col^t Copley, to Succeed in that Office (the Lawyers in the province, who know any thing of the Laws of England being Papists) There was about the Year 1693 a Combination between New England men, Scotch men & others, to cary on an illegall Trade from Mary land, directly to Scotland, & to other places prohibited, Sett on foot, not without the knowledge of Col^t Copley & Nehemiah Blakiston, late Collector of Potomack distric^t, & afterwards, promoted by George Plater (for Som time Collector in Pottomak) & in the Year 1694 he Cleerd 8 Vessells out of Potomack & patuxē^m distric^ts, which carryd their tobacco to Scotland directly. Plater being the Attorney Gen^l: Cōnived at Thomas Ely Master of the Brigantine Thomas & Mary of Maryland, who has forfeited his plantaçon Bond, given the 20th of Aprill 1692, & Cleerd him out another Voyage to Sea, but prosecuted to the Extremity Richard Smith, bound with Ely in that Bond,

Bond, upon Elys forfeiture thereof (as was pretended by Plater).

Plater Enterd a Non pros at a provincial Court holden at S^t Mary's, the first day of May 1694 in favour of francis ffreeman & John Scott, bound with John Laird Master of the Ship William & John of Belfast, being prosecuted at his Majesties Suite, upon the forfeiture of that Bond, for carrying 150 hogheads of Tobacco to Scotland directly. Hee likewise refus'd, to prosecute other Securities upon forfeited Bonds, when I (pursuant to my Instructions from the Com^{:t} of his Ma^{ies} Customs) required him to put them in suite, & prosecuted for his fees.

Pensilvania. David Koid, a Quaker, is the Attornry Gen^l for the Province, he refused me, to put severall forfeited Plantaⁿon Bonds in Suite, saying he was Attornry Gen^l for the Province only. I therefore Comitted them to the care of Robert Webb, the present Collector, to prosecute upon.

East & West Iersy, have no Attornry Generall.

New York. James Graham, was by his prefent Ma^{ies} letter to Co^t Slater Gov^r of that province, Recomended to be the Attornry Generall there, & was accordingly made So, & continues in that Office.

The Colonies of Road Island & Connecticott, have no Attornys Generall.

Province of the } Thomas Newton, a person well known Massathusett Bay. } in the practice in the Courts in Eng- land & New England, was made the Attornry Gen^l of that province by S^t William Phips, the late Gov^r but (as I am informd) upon his vigorous prosecuting Offenders, against

against the Acts of Trade, he was put out, & Anthony Checkley a man ignorant in the Laws of England, & one that has bin (if not Still) an illegall Trader, was apointed by the Governm^t in his Room, but in regard m^r Brenton the Collector of his Majesties Customs in that Province, is in England, I humbly reffer your Lordships, to his more particuler Account in this Matter.

New Hampshire has no Attorney Generall.

'Tis my only defigne in this, & all other my publick Services, That his Ma^{ies} Interest & the Acts of Trade, may be inviolably Maintaind & Supported in all his Majesties plantacions, by all persons Concernd.

All which is humbly submitted

by EDRANOLPH.

Aug^t 25th
1696.

<p>[Annexed]</p> <p>Edward Chilton</p> <p>Ionathan Armory.</p> <p>James Graham</p> <p>Thomas Newton</p> <p>John Graves —</p> <p>Nic^r Trott jun'</p>	<div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <p>Virginia</p> <p>Maryland</p> <p>Pensilvania</p> <p>West Jersey to be joined to it.</p> </div> <div style="flex: 1;"> <p>North Carolina to be joined to it</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <p>South Carolina</p> </div> <div style="flex: 1;"> <p>New Yorke</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <p>Massachuset's Bay</p> </div> <div style="flex: 1;"> <p>East Jersey & Connecticut to be joined to it.</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <p>Bahama Islands.</p> </div> <div style="flex: 1;"> <p>Rhode Island & N : Hampshire to be joined to it.</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <p>Bermudas.</p> </div> <div style="flex: 1;"></div> </div>
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This Extract I agreed with M^r Randolph.

W. P.

[Endorsed] M^r Randolph's further Memorial about Attorneys Gen^t in
the severall Plantations, dated the 25th Aug^t 1696.
Read the 31th Aug^t 1696.

To

[REDACTED]

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TO THEIR EXCELLENCYES THE LORDS JUSTICES.

Colonial Records of North Carolina, Vol. I. p. 463.

May it please your Excⁿ

In obedience to your Ex^cr Order of the 23^d of July last annexed to an Extract of a Presentment from the Comⁿ of the Customs, Wee humbly represent to your Ex^cr that in our opinion the constituting Attorneys General in each respective Plantation as moved for, by the Commⁿ of the Customs will be conduced to the ends by them proposed; and that therefore in order to the putting of that design in execution, Wee have advised with M^r Edward Randolph Surveyor Generall of his Maj^{ties} Customes in the Continent of America and are by him informed [then follow the names of persons proposed by Mr Randolph]. . . .

J. BRIDGEWATER, PH. MEADOWS
JOHN POLLEXFEN, JOHN LOCKE.
ABR. HILL

Whitehall September the 7th 1696.

PAPERS RELATING TO THE APPOINTMENT OF LAW OFFICERS
IN THE AMERICAN COLONIES.

Massachusetts Historical Society Collections, Fifth Series, Vol. VIII. p. 332.

Mr. Attorney Gen^l Summons.

Inner Temple. 13 Oct. 1696.

Whereas, vpon readeing a representation of y^e Comitte of Trade, concerning attorneys gen^l to be apointed in his Majestyes plantations in America, it was ordered by y^e late
VOL. V.—19
Lords

Lords Justices in Councill that it be referred to me to consider whether an attorney genⁿ may not be apointed for his Majesty in each of y^e severall colonyes & provinces of Carolina, Pensiluania, East & West Jersy, Conecticot, Rhode Island, & y^e Mattathusets Bay in America, notwithstanding y^e grants & charters to y^e f^t colonyes & provinces, & to report my opinion there upon. Let, therefore, y^e proprietors of y^e f^t colonyes & provinces, or their agents, attend me if they think fit with y^e grants & charters of y^e f^t colonyes & provinces on Monday next, being y^e 19 of this instant October, at 5 o'clock, in y^e afternoone, in order to y^e makeing my said report.

T. TREUOR.

i. Petition. *To the Kings most Excellent Majestye.*

The humble petition of y^e Lords & others the proprietors & agents of Carolina, the Bohama Islands, Pensiluania, East & West Jerseyes, & Conecticot, in America,

Sheweth :

That by sumons from M^r Attorney Genⁿ, dated the 13th of October last, your petitioners received intimation of reference from y^e late Lords Justices to him to consider and report whither an attorney genⁿ might not be apointed for y^e Majesty in y^e 1st severall provinces, notwithstanding their grants & charters. That upon y^e petitioners attending y^e f^t attorney genⁿ, a paper anexed to y^e f^t order of reference, purporting a representation to y^e f^t Lords Justices from y^e Councill of Trade was read, wherein is suggested that some complaints haue been lately made to y^e commissioners of y^e Majestyes customes & to y^e f^t Councill of Trade by one

Edw^d

Edw^d. Randolph that diuers irregularityes haue been lately committed in y^e said provinces contrary to y^e acts of nauigation & to y^r Majestyes prejudice, & that y^e persons whom y^r petitioners haue (as they are aduised they lawfully might doe) constituted attornyes gen^{ll} in y^e f^d provinces, are quallified for their feuerall imployments; and forasmuch as y^r petitioners haue been allwayes carefull to apoint officers in y^e f^d prouinces well affected to y^r Majestyes gouernm^t & interest, & quallified for their offices & imployments, & y^t y^e f^d representation is (as y^r petitioners conceiue) y^e reason and ground of y^e f^d reference, & y^t y^e suggestions in y^e said representation doe not only affect y^e persons therein named, but in consequence, y^r petitioners, & that y^r petitioners till their attendance on Mr. Attorney Gen^{ll} had noe notice of y^e f^d complaints & reprentation, or the contents of it, & soe noe oportunety to rectify or cleare some misinformations giuen to y^r Majestyes said commissioners & Councill of Trade, yo^r petitioners, therefore, most humbly pray that they may haue a copy of y^e f^d representation, & that y^r petitioners may be heard, & y^e truth & reason of y^e f^d complaints farther & more clerely examined before Mr. Attorney Gen^{ll} shall make his report in y^e matter referred to him, &c., and yo^r petitioners shall pray, &c. Crauen: Ashley: W^m Pen, Michael Watts, Obadiah Burnet, J: Winthrop, Dan^{el} Cox, Tho: Amey, Tho: Lane, Fran: Minshull.

2 Petition. To the Kings most Excellent Majestye.

The humble petition of y^e Lords & others, y^e proprietors & agents of Carolina, y^e Bohama Islands, Pensiluania, East & West Jersseys, & Conecticot in America,

Sheweth:

Sheweth: That by their petition lately presented to y^r Majesty y^r petitioners set forth that y^e late Lords Justices had vpon a representation to you made from y^e comitte of trade ordered Mr. Attorney Gen^{ll} to concider & report whither attornyes gen^{ll} might not be apointed for y^r Majesty in y^e f^d prouinces notwithstanding y^e severall charters; & y^t upon y^r petitioners attending Mr. Attorney Gen^{ll}, y^e f^d order & a copy of y^e f^d representation thereunto anexed from y^e Councill of Trade to y^e f^d Lords Justices was read to y^r petitioners, expressing that complaints had been made by one Edw^d Randolph of diuers irregularityes lately comitted in y^e f^d prouinces contrary to y^e acts of navigation & to y^r Majestyes intrest, and y^t y^e attornyes gen^{ll}, whom y^r petitioners had by virtue of y^e f^d charters there constituted for y^r Majestyes seruice had not discharged their trusts, & y^t y^r petitioners did therefore humbly pray they might haue a copy of y^e f^d representation, & y^t y^r petitioners might be heard, & y^e truth & ground of y^e f^d complaints farther & more clerely examined, before Mr. Attorney should make his report. That y^r Majesty was there vpon gratiouly pleased by order in councill dated y^c 5th of this instant to refer y^e consideration of y^e f^d petition to y^e f^d Councill of Trade, & y^t y^r petitioners did humbly conceiue y^t y^r petition was granted, & y^t accordingly they should have a copy of y^e f^d representation. That y^r petitioners have since attended y^e f^d Councill of Trade & desired a copy of y^e f^d representation, but cannot obtaine y^e same. Forasmuch, therefore, as y^r petitioners haue been ever carefull to appoint officers in y^e f^d provinces well affected to y^r Majestyes intrest & governm^t & quallifyed for their offices & imployments, and y^t y^e f^d complaints perteinantly relate to
seuerall

seuerall persons now in y^e f^d provinces who were put into y^r imployments by y^r petitioners, & y^t y^e f^d persons nor any concerned for y^m cannot vindicate y^m from y^e f^d complaints without a copy of y^e f^d representation, w^{ch} contains matter of charge against y^m, y^r petitioners most humbly pray y^t y^r Majesty woold gratiouly please to order y^t y^r petitioners may have a copy of y^e f^d representation, & y^t they may be fully heard by y^r Councill as to what y^r petitioners shall be aduised to offer by way of answere, defence or otherwise, to y^e f^d representation, & y^t in y^e meane tyme an order may be directed to Mr. Attornay Gen^l. to stay y^e makeing his report in y^e matter referred to him ; & y^r petitioners as in duty bound shall ever pray, &c. Signed as the other.

To y^r Right Hon^{bl} y^r Councill of Trade.

The Lords, proprietors, agents, & others of y^e prouinces of Carolina, Pensiluania, East and West Jersy, and Conecticot in America,

Protesting their loyalty & duty to his Majesty, & reseruing y^e benefit of being heard by you selues or councill to y^e right & power of erecting courts of admiralty in y^e f^d provinces, *Doe offer*: That there are seuerall clauses in y^r respectiue grants & charters, w^{ch} as they are aduised import & imply a ground of admirall jurisdiction & power of erecting y^e f^d courts & constituteing judges & officers thereof in y^e f^d prouinces.

That y^e reason why they haue not hitherto erected such courts, or constituted such officers, is y^t all suites or informations vpon & for breach of y^e severall acts of navigation may, as appeares by y^e f^d acts, & perticulerly y^e 15th of Charles 2^d, be brought

brought & prosecuted in y^e comon law courts, & y^e y^e erecting courts of admiralty woold haue occationed falleryes & other great & expensive charges.

That they apprehended there was noe necessity of such courts unles for y^e condemnation of prizes, few or none of which haue been brought into y^e f^t prouinces during this war in order to be tryed & condemned.

That y^e f^t proprietors neuer y^e les are willing & ready to erect such courts & constitute such officers as shall be well affected to his Majestyes gouernm^t, carefull of his intrest, vse their outmost endeuoures to enforce an obseruance of y^e f^t acts of nauigation, & zelously prosecute such vessells & persons as shall be guilty of y^e breach of y^m.

All w^{ch} is humbly submitted.

RANDOLPH'S MEMORIAL CONCERNING ATTORNEYS GEN^t.

*State Papers, Board of Trade, Plantations General, Vol. 4, p. 158. 30 Oct.
1696.*

To the Right Hon^{ble} the Commⁿ for Trade.

Their Excellencyes the late Lords Justices hauing received a Representation from y^r Hon^r Concerning Attorneys Gen^{ll} to be appointed in his Ma^{tie} plantations in America: were pleased by their Order in Councill of the 30th of Sep^t past, to referr to M^r Atturney Gen^{ll} to consider, whether an Atturney Gen^{ll} may not be appointed for his Ma^{tie} in each of the Severall Colonyes & Provinces of Carolina pennsilvania etc: notwithstanding their Grants and Charters & to Report his Opinion there vpon.

Two Men of Warr are ordered for Virginia & Maryland
and

and will Sayle in a short tyme: vpon which the Officers of his Ma^{ties} Customs to be sent to those proprietyes & other places where they are much wanted may haue a safe & speedy passage.

It's humbly proposed, That M^t Attorney Gen^l may be desired to make his report therevpon to the End Causes arising vpon the Breach of the Acts of Trade may be prosecuted by Attorneys Gen^l appointed by his Ma^{tie} in the Courts of Admiralty, to be erected in the severall proprietyes as in the Act for preventing frauds and Regulating Abuses in the Plantation Trade is Enacted Otherwise that Act & All other the Acts made for securing that Trade will be of no Effect.

All which is humbly submitted
by EDRANDOLPH.

[*Endorsed*] M^t Randolph's Memorial solliciting the Dispatch of the Att^{ry} Gen^l's Report upon a Representⁿ about Att^{ry} Gen^l in y^e Plantations. Read 30th Octob^r 1696.

MEMORIAL OF EDWARD RANDOLPH, SECRETARY, &c. TO THE
COMMISSIONERS OF HIS MAJESTY'S CUSTOMS, ON ILLEGAL
TRADE IN THE PROPRIETIES.

New Jersey Archives, First Series, Vol. II. p. 116. 10 November 1696.

To the Hon^{ble} the Comⁿ of his Majesty's Customs.
May it please your Honⁿ.

Your Honⁿ were pleas'd in your presentment of the 17th of July past, to the Right Hon^{ble} the Lords Comⁿ of his Mat^{ies} Treasury to represent, That it hath bin found by Experience, either thro' Remissnes or Connivance of the Gov^r of

of the Severall Colonies & plantac'ons which are under distinct proprietys, The Acts of Trade & Navigac'on, & Your Hon^r Orders & Instruc'ons in pursuance thereof, have not bin Observd, as in other Colonies and plantac'ons, which are under Gov^r Nominated & Appointed by his Ma'tys immediate Commission, & did therefore humbly Move their Lordships, That the respective Gov^r of the S^d Proprieties, may be persons of good Estate & Reputac'on, & otherwise duly qualifyd for the discharge of their Trusts, being by a Claus in the aforef'd Act for preventing ffrauds & regulating Abuses in the Plantac'on Trade to be Allowd & Approvd by his Ma'ty, his Heirs & Success^rs & Obliged to take the Oaths Enjoyned by That, or by any Other A&t, to be taken by the Gov^r or Command^r in Chiefe, in Other his Ma'tys Colonies & plantac'ons, before their Entrance into their respective Governments under the like penalties, which his Ma'tys Gov^r & Command^r in Chief, are by the S^d Acts lyable too.

Notwithstanding the Owners of the proprieties upon the Continent of America & Islands Adjacent, take no Notice thereof, but Omit to Nominate fitt persons, to be Allowd & Approvd by his Ma'ty in Councill before their Entrance on their respective Governm^t from whence it follows, That, whilst the principles Omit their Obligac'ons at home, it cannot be expected, Their Deputies will doe their Duties in the planta-c'ons, So that allth'o pursuant to the S^d A&t, the Officers of the Customs, the Judges & other Officers in the Courts of Admiralty, the Attorneys Gen^r & the Commissions under the Great Seale, for Administiring the Oaths to the respect^rive Gov^r in the S^d Colonies & Plantac'ons, are Appointed
and

and prepard ready for dispatch, nevertheless, the Govⁿ & other publick Ministers in the proprieties, are continued in their Offices & places & no care taken, to Appoint others in their Stead, tho they Maintain & Support the illegall Traders as much as ever: It cannot therefore be expected, that the frauds & Abuses in the plantac'on Trade, So long practis'd & So often Complain'd of, can be prevented until persons of Good Estates & Reputac'on, & Otherwise duly qualified for the discharge of their Trusts, be first Allowd & Approvd by his Ma'ty &c: to be the Govⁿ of those proprieties, according to the S^d Act, otherwise it is to no purpose, nor will it countervale the Charge, to send over officers & Maintain them, to put the Acts of Trade in Execuc'on, in Virginia & other places, under his Ma'tys immediate Authority, So long as the Governours, for the Proprietors, take upon them, a power to dispence with the open Breach of the Acts of Trade, & thereby keep their ports open to illegal Traders, whilst others are barrd up by oaths & Strict penalties, which must needs Occasion the dreining & Soon depopulating his Ma'tys Own plantac'ons, by the peoples Enjoying an Extraordinary liberty, in a Gen^l. Trade & Constant benefit, by Pyrates & the Scotch Trade in the proprieties and private Charters.

The Cheife end of Granting thos Vast Tracts of Land (now called proprietys) to Noble Men & Others, was doubtles to Encourage the first Undertakers to plant and Improve them, for the Benefit of the Crown, & to be always Subject & depending on England, & Conformable to the Laws thereof. Great Numbers of people, are now Seated in Some of these proprieties, but have bin long Endeavor-

ing to breake loos & set up for themselves, having no Sort of Regard to the Acts of Trade & discountenancing Appeals from their Courts, to his Ma'ty in Councill. The persons Appointed by the proprietors, to be their Gov^r are generally Men, of very indifferent qualificac'ons for parts & Estates; Their Maintainance, is Inconsiderable, which renders their Govern^r Precarious also. They have power only (like Civill Magistrates, in petty Corporac'ons in England) to Make Municipall Laws, with consent of the people, for their quiet & peaceable Government, But are indeed Stewards only & overseers, accountable & always lyable, to be turned out at the pleasure of those who employ them: So that it cannot be presumd, that Gov^r made by the proprietors, only as Such are impowered or in any wise concernd to put in Execucon, the Acts of Trade in their Governments, But on the Contrary.

I am humbly of Opynion that twill be Judgd a high Misdemenour, in any of them to attempt it, untill they are first qualified as by the S^d A^ct for preventing ffrauds, is directed: the proprietors themselves have no Such power, nor can have Granted them by their Patents.

I humbly lay before your Hon^r an Acct of the present Gov^r of the proprieties, & of their Qualificac'ons, in Relation to the Acts of Trade.

Bahama Islands: m^r Nicholas Trott is the present Gov^r, these Islands have been & still are, a common retreat for pyrates & illegall Traders: Cadwallader Jones, the late Gov^r under pretence of A power to make all Officers, Made One Boulton, Collector of the Customs: he Enterd & Cleerd Vessels, according as the Gov^r & he pleasd. In the year

1693:

1693: Thomas Carter Master of the Ship Bridge Town of Barbados, richly laden from Jamaica to London, run the ship willfully aground upon the Islands: the Master & Sailors divided the Money & the best of her loading, the Gov^r made his Advantage by it; all Appeals lye from their Courts, to the Lords-proprietors in England.

Carolina: m^r John Archdale, a Quaker, is deputed Gov^r by the Lords proprietors (as I am informed) during his Sons Minority, who is one of the Lords proprietors; the cheife Town for Trade, is Charles Town, free to all, from all places. They trade to Carasaw from whence the Manufacture of Holland is brought to Charles Town, & carryd by New England men & other illegall Traders, to Pensilvania Boston &c: Returns are made for them in plantac'on Commodities, which are carryd from Carolina to Carasaw & thence to Holland. About 3 years agoe 70 Pyrates having run away with a Vessell from Jamaica, came to Charles Town, bringing with them a Vaft quantity of Gold from the Red Sea; they were Entertained & had liberty to stay or goe to any other place: the Vessel was Seiz^d by the Gov^r for the proprietors as a Wreck & Sold they have no regard to the Acts of Trade. The present Gov^r is a favourer of the illegall Trade, having given his permit to the Mas^r of a ffaraigne Vessel to trade takeing no Notice of m^r Guerard, Appointed the Collector by your Hon^r Deputac'on as by a Copy of the Gov^r permit N^o., appears; all appeals are likewise from the Courts in this province, to the Lords proprietors in England.

North Carolina, has 60 or 70 Scatterd families, but under no regular Governm^t, One Jarvis was appointed the Gov^r



Gov^t by Coll. Ludwell then Gov^t of all Carolina, he had no Sallery. The Inlet of Currituck, lies conveniently, for carrying away the Tob[acco], made in the Southern parts of Virginia: The Inlett of Roanoake, is frequented, with Small Vessels Trading to & from the West India Islands. Pyrates & runaway Servants, resort to this place from Virginia &c.

Pensilvania, m^r W^m Markham is the present Gov^t. Sam^l Carpenter & Jo^r Goodson (both Quakers) were Joind in the Government with him, but they refused to Act. The Acts of Trade (what ever they pretend) are not Observed here: a plain discovery has bin made of Nine Vessells loaden with Tob.[acco]: which have from the year 1690: to the year 95: gone directly from this province to Scotland (besides Gustavus Hamilton the chiefe ffactor for the Scotch Merch^r) who last year carryed out of Delaware, 300 hhds of Tob: without Cleering, as allso, other Vessells from the Same place, went with tob: to Scotland, as Appears by letters from your Hon^r Agent in that Kingdome. The Brigantine W^m & Mary (call'd the New Castle Brigantine) when in August 1694, Shee Cleerd out from Pensilvania for England) W^m Righton mas^r & Maurice Trent a Scotchman, An Old transgressor Merchant (One of her Owners lives in London) imported into Pensilvania a great quantity of Scotch Goods, and was Admitted to an Entry in the year 1695: By the Collector in Pensilvania: She was afterwards Seizd in West Jersey by Cap^r Meech, Appointed by Coll: Nicholson, pursuant to her late Sacred Ma'tys Order in Councill, of the 9th of August 1694: He Seizd allso, another Vessell, called the Mill Everett Johnson Mas^r from Some port in Norway (as Ime informed) loaden with Wine & European Goods, hav-
ing

ing no Cleering, from any port in England. The maſt con-
fessed himself to be a Dutchman as appeard by Cap^t:
Meeches Journall N^o: her Tryall was put of, the Maſt being
gone to New Yorke, & afterwards Suspended, till further
Orders from England. The Gov^r: Entertains Severall py-
rates, from the Red & South Seas, who carry on an illegall
Trade to Carasaw, & other prohibited places; It appears by
a Copy of m^r: Markhams letter to me N^o: that he has but a
Small Maintainance, desireing me to make him Colle^r of the
Customs in Pensilvania by which your Hon^r: may please to
take Notice, that Gov^r: under Such Necesſities, will be easily
tempted to doe & Connive at Unlawfull things. The Charge
to maintain Officers of the Customs in that Province, to-
gether with a Veffell of about 40 Tuns, & men Sufficient to
Cruise upon the Coast thereof, as by her late Sacred Ma'tys
Order in Councill, Coll Nicholson is directed to provide, will
amount to above 2000 lb: a year, to prevent the illegall
Trade in Pensilvania & the Shipping of tob: brought over
land from Maryland to Deleware Bay which notwithstanding
will be carryd on, untill there be Such a Regulac'on in
the Governm^t of That province, as by the S^d Act for pre-
venting frauds &c: is Enacted. Pensilvania lies in the Cen-
ter between Maryland & New York, most Commodoſly, to
carry on all illegall Trade, and that place will Soon become
A Staple of all European & Plantac'on Commodities.

East & West Jerseys: m^r: Andrew Hamilton, a Scotch
man, is the Gov^r: of those Provinces; Appointed by the Pro-
prietors to Leas out their Lands & receive their Quit Rents;
He is a great favourer of the Scotch Traders, his Country-
men, & would not allow of Cap^t: Meeches power, when he
had



had Seizd the Brigantine W^m & Mary W^m Righton Maf^r, the Gov^r Sate Judge in Court, the Vessell was favoured upon the Maf^r Setting forth in his petic'on that the ffrench met him at sea, & took away his Cognets [Coquets], She is Since gone to Barbados: Patrick Robinson a Scotchman, the Sec-retary & David Loyd, the Attorney Gen^l in Pensilvania, went to the Court, in West Jersey, to Defend the Vessell against the Prosecutors for his Ma'ty.

Conneticott in New England, Coll. Robt: Trent [Treat] is the present Gov^r of that Colony granted to the Inhabitants by Charter, to have a Gov^r Annually Chosen with Power, to Purchase & Sell Lands: The Inhabitants, are generally husband men & Planters. The Gov^r permitted a vessell from Holland, under pretence of Wanting Wood and water, to come into New Haven where she Unliverd great parts of her loading, which was carryd to New Yorke, & hav-ing taken horses aboard, Saild with the Remainder of her Goods to Barbados. Thomas ffisher, Maf^r of the Brigantine Adventure of London, imported about December 1691: a very great Cargo of Scotch goods at New London, in that Colony, they were seizd by m^r Brenton, the Collec^r he thought it most Advisable, to Admit Gustavus Hamilton to a Composition (which he willingly agreed to) than Submit the Cause, to a Tryall, in that Colony.

Road Island. Caleb Carr was late Gov^r of that & provi-dence plantac^rn, granted by Charter allfo, tis become a free port to illegall Traders, & Pyrates from all places. Tho: Tew A Pyrate, came thither from the Red Sea, in the year 1694 and brought with him £10 000: in Gold & Silver, — he Shard £12000: for himself & his sloop, the people are Enriched

Enriched by them. Tis necessary That place, be taken care off & put under a Regular Governm^t; the prefent pretenders to Govern, being either Quakers or Annabaptists.

Province of New Hampshire: m^r W^m Partridge, being Nominated by m^r Sam^{ll} Allen, the prefent proprietor, is Allowed of by his Ma'ty & Made the Deputy Gov^r of that Province.

Province of the Massachusets Bay. Tho' his Ma'ty has the Appointing, the Gov^r of that Province, yet the illegall Trade is carryd on, as much as ever, to Scotland, Holland, ffrance &c : for want of a Govern^r to Suppreſs that Trade, & to Support and countenance the Officers of the Customs, in the Execuc'on of their Duties. m^r W^m Stoughton, is the Liev^w Gov^r, he is a good Schollar, but not bred up to Military Discipline. The country lying open, is exposed to the fury of the ffranch & Indians, when ever they pleas to Attacq them. They have in their Laws hitherto Made no provision for a Gov^r Maintenance, as is done in all Other, his Ma'tys Governm^t & was likewise in that Province for their former Gov^r on purpose to discourage men of Hono^r & abilities, to live amongst them ; but what ever it Costs, That Country, & the Trade thereof, ought to be taken care off.

Now from what has bin herein humbly Offerd, it cannot reasonably, be imagined that the Proprietors Gov^r are persons qualified or fit, to be Entrusted with the Conduct & Execuc'on of the principall powers, reposed by thoſe Acts, only in the Gov^r & Command^w in Chiefe, in the Plantac'ons, under his Ma'tys immediate Authority; So that if the proprietors & owners of thoſe Lands, refuse to Conform to the Rules & Methods prescribed them, in the S^d Act for preventing



ing fffrauds &c: Its humbly propos'd, that they Should be obliged, to accept of Such Regulac'on in Government, in reference to Trade as his Ma'ty Shall think necessary to make; which will in n° wise Invade their Just Rights & proprieties in those Lands, nor hinder them from Employing their agents & ffactors, to take Care & dispose of their Estates, & to receive the Rents & profits arising from them.

The Lord Baltamore, the Proprietor of the Province of Maryland, m^r Samuell Allen, the Proprietor of the Province of New Hampshire & the Inhabitants in the Province of the Massachusets Bay, have all their Rights & properties entirely Securd to them, in their respective Proprieties. They have their Agents & Attorneys upon the place, to Manage their affairs with all ffreedom tho' att the Same time, the Gov^r of all those provinces, are appointed by his Ma'tys immediate Commission.

All which is humbly Submitted by Etc:

ED RANDOLPH Secy.

November 10th 1696.

MEMORIAL OF EDWARD RANDOLPH TO THE LORDS OF TRADE,
DESIRING LEAVE TO PROVE THE ALLEGATIONS IN HIS FORMER
MEMORIAL.

New Jersey Archives, First Series, Vol. II. p. 131. [9 December 1696]

To the Right Hon^{ble} the Lords Comm^r for Trade.
May it please yo^r Lordf^{ps}
Understanding from my M^u [?] the Comm^r of the Cus-
toms That my Memoriall concerning the Gou^r of the Pro-
prietyes is referred to y^r Lordf^{ps} and in regard his Ma^{ds}
affairs

affairs relating to Trade do greatly suffer in the plantations thro' my absence, where my services is [are] absolutely necessary to see the Acts of Trade and Navigation, especially relating to the Scotch Act duly executed. I am humbly attending y^r Lord^s with my proofes to make out the particulars in my memorall in order to have my dispatches compleated So that I may be in a readines (with the New Officers of the Customs) to take my paſſage upon the Shipps ſhortly bound to the plantations on the Continent of America:

All which is humbly submitted by

ED. RANDOLPH

RANDOLPH'S LIST OF NAMES FOR ADVOCATES, &c.

*State Papers, Board of Trade, Plantations General, Vol. 4, p. 300-7. 3 & 4
March 1696.*

S:

I received your Letter of the 2^d Instant concerning the Names of fitt persons for the Adm^y Courts proposed to be erected in his Ma^{ties} Plantaⁿons, And having layd y^e fame before the Board I am Comanded to Acquaint you That the Commⁿ Presentm^t to the Lords of the Treāry which the Right Hon^{ble} the Lords Comm^r of the Council of Trade in their Letter of the 24 feeb^y last ſeem to referr unto, Related only to the Plantaⁿons on the Continent of America And the Bahama Islands w^{ch} were under M^r Randolphs visitaⁿon from whom The Commⁿ tooke the Informations & Charac-
ters of persons fitt to be Employed in the Adm^y Courts there to be erected.

And the Commⁿ will by the best means they can Inform
VOL. V. — 21 themſelues



themselues of fitt Persons for the severall Imploymets in the Adm^y Courts to be erected in Jamaica and the other Islands, if not already supplyed, And forthwith Lay the same before their Lordps, In the mean time I doe by their Order herewith Transmitt to you a List of Persons who (by the Character given of them by the Aforesaid M^r Randolph) seem fittly qualifiyed for Attorneys Gener^l & Advocates in those Planta^cons on the Continent And the Bahama Islands for w^{ch} they haue already Nominated the other Officers, w^{ch} which you will please to Acquaint their Lordps.

I am S:

Yo' Most humble Serv:

In^o: SANSOM.

Custom House London

3 March 1696

M: Popple.

The Names of persons to be appointed Attorneys General and Advocates in the Courts of Admiralty to be Erected in the Colonies and Provinces on the Continent of America & Islands Adjacent.

**Names of places
where officers are
wanting.**

Virginia & North Carolina	Edward Chilton Barister at Law, and Late Attor- ney Gen! in Virgin! — Attorney Gen! and Ad- vocate.
Mary Land & the 3 Lower Countys	Edward Chilton Attorney Gen! & advocate.
East & West Jerzey The Colony of Conneticott & New York.	James Graham the present Attorney Gen! To be Advocate also.

Province

Province of the Massachusetts	Thom ^s . Newton Attorney General & advocate.
bay in New England & New Hampshire	
Road Island	— Thom ^s Newton Attorney Gen ^l & advocate.
Carolina	— Jonathan Armory Attorney Gen ^l . & advocate.
Bermudas	— Nicholas Trott Attorney Gen ^l . & advocate.
Bahama Islands	— John Leighton Attorney Gen ^l .

It is humbly proposed for his Ma^w Service That the same person be the Attorney General for his Ma^w in all pleas of the Crowne, And also the Advocate in the Courts of Admiralty to Try the seizures made of Goods & Vessells for Breach of the A^{cts} of Trade, And all Planta^con Bonds Forfeited — And also all Prizes taken at sea &c^a

The Governours of the Planta^cons under his Ma^w Immediate Authority, To have Power by Commission from his Ma^w to appoint Persons to Supply the Vacancy of Judges Registers and Marshalls, and also Attorneys General, and Advocates upon the Removal or Death of any of the present officers who are thereby Impower'd to Act in their severall places and offices, untill his Ma^w pleasure be further knowne.

The Attorneys Generall are made by warrant under the Privy Seale or Great Seale, The Advocates by Warr^t from the R^t Hono^{b^{le}} the Lords of the Admiralty, directed to the Judge of the Admiralty in England, who gives them his Deputation under the seale of his Office.

'Tis necessary That the Officers of the Courts of Admiralty have Fees allow'd them Stated by the Judge of the Admiralty in England, for the time being, in regard of the

Long



164

Edward Randolph.

Long & Tedious Journey They must take, if Occasion do's offer.

I recd this Paper of Names from M^r Randolph this 3 March
1696

RICH^o SAVAGE.

[Addreſſed] To William Popple Esq^r
Secry to the R^c Hono^{ble} the Lords
Commⁿ of the Councill of Trade
These.

[Endorſed] Lre from y^e Sec^y of y^e Cust^o house
with a List of y^e names of persons
proposed to be Advocates in ſeveral
of his Ma^r Plant^m in America.

Dated }
Rec^d } 3^d }
Read } 4th } March 1696.

[Annexed, in Randolph's writing, p. 306.]

Maryland }
& 3 lower Countyes } Edw^d Chilton Att: G : & Advocate.

Pensilvania }
& West Jersey } Edward Chilton Atturny & Advocate.

New York }
& Connecticott } James Graham y^e preſent Atturny to be Advocate.
& East Jersey }

~~as to a fitt person in the Bahama Islands, I am a stranger, &~~
~~I know not whom to recommend.~~

Bahama Islands Ellis Lightwood Judge:
 John Leighton: Attorney Gen^{ll} & Advocate

M^r Randolph's Mem^l for reconciling & perfecting the two
Lists lately rec^d from y^e Custom house of Persons to be offi-
cers in the Adm^y Courts in ſome of y^e Plant^m.

Delivered

[REDACTED]

Documents and Letters. 165

Delivered by him to y^e Board y^e 4th of March 1696.

[*Endorsed*] M^r Randolph's Mem^r for
reconciling & perfecting y^e 2 Lists
lately rec^d from y^e Custō-house of
persons to be Officers in y^e Admir^y Courts
in some of the Plantations.

Deliver'd to y^e Board by M^r Randolph
& read y^e 4th March.

RANDOLPH TO SEC^Y POPPLE.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 328.

March: 17th 1696[7]

S:

In my paper of the Names of persons to be y^e Judges etc.
of y^e Courts of Admiralty to be erected in y^e plantations
presented to their Lord^s y^e 13th of July past I mentioned
M^r Thomas Newton, then in the province of y^e Massachu-
sets Bay in N: Eng^d to be his Ma^t Atturney Gen^l of that
place. and did also in my last paper presented to their
Lord^s Continue him to be the Advocate of that Court,
not then knowing a person better qualified for that
Employment.

But having lately mett with M^r Benjamin Linde of the
Inner Temple a Barister of a Good Estate & Born in the
Country & very able as well as willing to serue his Ma^t in
that station I take leaue humbly to recommend him to
their Lord^s to be appointed the Advocate in the Room
of M^r Newton who is gone in the Country, & being no
Barister at Law not so Capable to discharg that Trust as

M^r



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Edward Randolph.

M^r: Linde — well known to many eminent Lawyers in the Temple.

I am S:
your humble Serv^t

be pleased not to offer this
paper to their Lords^{PP}s untill
you haue receiued the List of
those Officers from M^r: Se^rc^y Trumballs Office.

[*Addreſſed*] To the Hon^{ble}
M^r: Sec^y Popple.

[*Endorſed*] L^e from M^r: Randolph propofing that M^r: Benj^t: Lynde may
be nominated for Advocate in y^e Maſſach^u Bay instead
of M^r: Tho: Newton.

Dated 17th
Rec^d. } 19th } March 1697.
Read }

LETTER FROM THE COMMISSIONERS OF CUSTOMS TO MR.
RANDOLPH, SURVEYOR GENERAL OF CUSTOMS IN AMERICA,
RELATIVE TO THE ESTABLISHMENT OF THE PORTS OF PERTH
AMBOY AND BURLINGTON.

New Jersey Archives, First Series, Vol. II. p. 178. 21 October, 1697.

The Commissioners of the Customs order to Mr. Randolph
about Port of Perth Amboy.

M^r: Randolph: Having Received Intimations that some
persons trading to East and West Jeries are not Content
with the Priviledges allowed for the Loading and unloading
of Goods and merchandizes at Perth Amboy in East Jersey
and in Birdlington [Burlington] in West Jersey, Whereby
Directions

Directions from the Right Hono^ble the Lords Commissioners of his Maj'ties Treasury we have Established Officers to Collect the Duties Imposed by the Act made the 25th yeare of the Reigne of King Charles the Second to inspect the Enumerated plantation Com'odities which shall be laden upon shipps bound Directly to this Kingdome and likewise to Attend the Delivery of all European Goods brought from thence, but that such persons will attempt to Runn into private Creeks and harbours where there are noe officers, the better to Cover their Indirect practices. Wee direct that at y^r Arrivall in those parts you make it one Cheife part of yo^r Care and Endeavour for the King's Service to Oblige all Merchants Masters of Ships and others to load and unload at those appointed and privileged Ports of Perth Amboy and Birdlington aforesaid, being owned and agreed upon by severall of the proprietors in yo^r heareing to be sufficient for the trade of both places, and that there may be noe p'tence for Goeing Elsewhere, lett the Officers be Cautioned to give theire Constant and Diligent attendance in those Respective ports for the Dispatch of all Businesse both Inwards and outwards.

We rest yo^r loveing friends

JO. AUSTIN	SAM CLARK
ROB ^T HENLY	BEN: OVERBON

Custom house, London
21st October, 97.

To Edward Randolph Esq^r Surveyor Generall of his Maj'ties Customs in America.

COMMISSION



COMMISSION TO MATTHEW BIRCH, TO BE SURVEYOR &
SEARCHER OF THE CUSTOMS IN PENNSILVANIA.

Colonial Records of Pennsylvania, Vol. I. p. 535. 25 March 1698.

Edward Randolph, esq^r Surveyor General of His maties Customs on the Continent of America, & Islands adjacent, To Mathew Birch esq^r By virtue of a deputaon granted me by the Honble the Comrs of his maties Customs in London, bearing date the 13th day of October, 1691, & in pursuance Likewise of additional articles of instructions from yr Honors, dated att the custom hous in London y^e 22d of 7br, 1697, directing mee, amongst other things, that in case of anie vacancie by y^e death, or want of any of the officers of y^e Customs, or otherwise To appoint some fit and able person ^{Locus Sigilli} _{ar. gul.} to serve yrin; And finding no Surveyor & searcher in the province of pennsilvania & Counties annexed, I do hereby depute & Impower you, the sd Mathew Birch, to be Surveyor and searcher of his maties Customs, in the sd province of pennsilvania & Counties annexed, with all the rivers, bays, Creeks & Harbours yrunto belonging, With power to enter any shipp, bottom, boat, or other vessel, as also into any Shop, house, warehouse, Hosterie, or otherwise, whatsoever, to make diligent search Into any trunk, chest, Casse, trus, or anie other parcel or package whatsoever, To make diligent search for any goods, wares or merchandizes prohibited to be imported or exported qrof [whereof] the Customs & Duties have not been duly paid, and the same to seize for His Maties use; & also to put in execuon all other Lawll powers & authorities for the better managing & causing to be

[REDACTED]

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be Collected the said duties, in all things as y^e Law directs, following & obſerving all ſuch Rules & iſtructions as you ſhall from time to time receive from y^e Comrs of His Maties Customs in England, or from the Comrs of His Maties Custom for the time being. Given undr my hand & ſeal of office att y^e port of philadelphia, the 25th day of March, Annoque domini, 1698, & in the Tenth year of the reign of or Sovereign Lord King *William Y^e Third* of England &c.

EDWD. RANDOLPH Surveyor Genrl.

Recorded 29th March, 1698.

RANDOLPH'S LETTER TO SEC^{RY} POPPLE.

State Papers, Board of Trade, Plantations General, Vol. 4. p. 669.

New York Aprill y^e 25th 1698.

S:

I overtook the [inclosed ?] here the 22^d instant, I have waited upon the Earl of Bellamont; I find his Lord^{pp} ſtrict in the Supporting of the Interēt of the Crown, the putting the Acts of Parliam^t in Execution, & Suppressing Pyrates; 5 or 6 Veffells (as is reported) are come from the red ſea ſome are gone to the Southward towards Carolina & Providence; I question not but I ſhall hereafter hear that ſome of them have touched at Pensilvania, where M^r Markham continues their ſteddy freind; he Entertain'd & countenanced ſome of Everys men, he had the Lords Justices Proclama^{on} againſt them, after that lett two of them go to Carolina & the other two are in the Province; One Claus a Dane keeps a Coopers ſhop in Philadelphia, I

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faw



saw him Every day; James Brown another of them is married to M^r Markhams daughter & lives nigh New Castle if not dead; I have administred the Oath to the Govern^r but he was not well pleased I would not Joyne with him to break it, he preff'd me to admitt of the Quakers attest instead of an Oath to prove that they were the Owners of Vessells, when as their own Law (made since the passing the Act for p^rventing frauds) has otherwise provided as follows: — Provided allways & it is hereby intended that no person shall be by this Act Excused from Swearing, who by the Acts of Parliam^r for Trade & Navigation are or shall be required to take an Oath: — but he values neither Oath nor the Acts of Parliam^r so he may gett money; I have the like account from others of the Proprietys. M^r Webb at Providence has forgott his Oath (as I am Informed) seizing & discharging Vessells as he pleases the masters paying well for it; many of Everys men are in Carolina; the Earle of Bellamont is now fending the ffowy frigott in pursuit of the Pyrates about the Southern parts, I go upon her to administer the Oaths to the Govern^r of Carolina &c. I shall then give to their Lordpps a particular account of proceedings there; tis absolutely necessary that the Admiralty orders 3 or 4 light frigotts to be sent thither & putt und^r the cōmand & direc^ron of the Earle of Bellamont, (New York lying in the center of all the proprietys) otherwise all the Acts of Parliam^r & his Maj^{tis} Lett^r to those Govern^r will signifie no more then old Gazetts — besides the Deptford & the ffowy order'd to Guard New England & New York; part of which charge will be p^rvented, if his Maj^{tis} will be pleased to appoint his own Govern^r with good Salarys in those Proprietys.

You

[REDACTED]

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You may please to remember, how I pressed for his Maj^{tie} to appoint Attorneys Generall in all Govern^ts. I have found the want of one in Pensilvania intending to putt two bonds forfeited to his Maj^{tie} in suite, the Partys are arrested but no body appointed to prosecute there for his Maj^{tie}. I was not wanting before I left England to propose what now is confirmed to be necessary for his Maj^{ties} Service; I expect effectuall care will be taken at home to remedy those Misde-meanors in the Proprietys, otherwise I shall be of M^r Penns & Colonell Quareys Opinion, that the Salaryes bestowed upon the Officers (especially in Pensilvania) is but so much money thrown away.

Be pleased to accept my duty & readiness to observe y^r cōmands (directed to me at the post house in New York,) because I am S^r: y^r most humble & obliged seru^r:

EDRANOLPH.

[Addressed] To the Hoūble M^r Popple
Sēcry att the Councill of Trade In Whitehall London.

[Endorsed] Tre from M^r Randolph to the Secy dated at New York the
25th of April 1698, ab^r Pirates & Illegall Traders.
Rec^d 6th July } 1698.
Read 20th Oct^r }

RANDOLPH'S LETTER TO THE BOARD FROM NEW YORK.

Board of Trade, Plantations General, 4 (662).

Newyork Aprill the 26th 1698.

May it Please y^r Lord^r pps

A. In obedience to y^r Lord^r pps commands signified by M^r Secretary Popple in his Lett^r to me of the 16th of Aprill 1697 to give y^r Lord^r pps from time to time an Account of whatsoeve^r



whatsoev^r I shall Judge proper for their knowledge in order to his Maj^{ts} service in any of the Colonys wherein I shall reside; I humbly represent, that I arriv'd the 16th of Decemb^r past at Annapolis the Cheif Town in the Province of Maryland. I administred the Oath to Cott Nicholson the Govern^r the 11th of Jan^r past, he continues very zealous to putt the Acts of Trade in Execu^ron, & to the End no illegall Traders, may for the future gett off with slend^r security, he has putt all forfeited Planta^ron Bonds in suites & recovered Judgem^r ag^t severall of the Inhabitants, who were bound with the Masters of Vessells, carrying their Tobacco from thence to Scotland directly, which makes many of them (being Scotch Traders) very uneasy to the Govern^r.

B. I fearing I could not comply with the time limited by the A^ct for administering the Oath to the Govern^r of Pensilvania sent the Commission order'd to remain in Virginia for administering the Oath to the Govern^r for the time being, by my servant to S^r Edmond Andres, who has accordingly taken the Oath, & is very strict himself & obliges the Officers of the Customs to be very diligent & punctuall in their respective places.

C. With much difficulty I gott over Chesepack Bay, & travelled to Pensilvania calling at New Castle upon Delaware Bay, 'tis Inhabited with Scotch & Dutch cheifly, & a few French & one or two English men; they are under an arbitrary Quaker Govern^r where neither Judges Jurys nor witneses are sworn, even in trialls of Criminalls, as about 4 years ago when I was there (as I was inform'd but will more particularly appear by the Record of the said triall if they kept any) one Richardson was tryed condemned, & executed

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executed upon a supposed murther, so that his Maj^{ts} subjects inhabiting in those places, & Pensilvania also, are in no wise secure in their Estates Lives & Liberties, nor can it be expected that the Officers of his Maj^{ts} Customs can have Justice done, where there are no persons qualified by an Oath to try their Causes upon seizures & otherwise.

D. I came to Philadelphia & administred the Oath to M^r Markham the Govern^r the 17th of March past, but he has not his Maj^{ts} Order in Councill allowing him to be Govern^r of that Province.

E. Col^t Nicholson hearing of some of Everys men were in Philadelphia forthwith sent the Lords Justices Proclama^con (for apprehending them) to M^r Markham, who instead of securing, supported & Encourag'd them; two of the Cheif (Chinton & Lassell) were carried to Carolina from Philadelphia, by one Medlicott, another of Everys men & surgeon of his ship; Another of them (one Claus a Cooper) lives now in Philadelphia, I have seen him almost every day in the streets; & James Brown (one also of that Company) is married to M^r Markhams daughter.

F. I humbly Inclose a Copy of their Examina^con attested by David LLoyd the atturney Gen^{all}. I Likewise send a Copy of the Preface of their Laws, in which they shew themselves independent from the Crown, not acknowledging his p^rsent Maj^e King William y^e third to be their Soveraign Lord & King.⁶

G.

⁶ This assertion made by Randolph is not confirmed by public documents. The Governor and Council of Pennsylvania declared and acknowledged the Prince and Princefs of Orange "to be our King & Queen," on the second day of the ninth month, 1689, although no official proclamation had been received from England. See *Colonial Records of Pennsylvania*, Vol. I. p. 305.

G. I have Order'd One of the Inhabitants of Philadelphia to be arrested (being security for a Vessell which carried her Tobacco to Scotland directly from thence) upon his forfeited Plantaçon Bond of 1000^d Another upon a Bond of 500^d, I went to the Govern' & desir'd him to appoint an Attorney Gen'all to prosecute those Bonds for his Majst but he did nothing in [it].

H. He has adjourn'd the Courts for 6 months, & by that means he has given a fair opportunity to the persons arrested to secure themselves & Estates from future trouble, & to those also (whose forfeited Plantaçon bonds he refuses to shew me) So that his Maj^{ies} Service is neglected, the Acts of Trade Eluded, & the Officers of the Customs putt to charge & trouble to no purpose. Mr. Markham has likewise discharged a Vessell of New York belonging to Cott Heathcott & Cap^r Evans Command^r of the Richmond Frigott now at New York, seiz'd by his own Warrant for loading Tobacco before bond given, since he recēd & published the Act for p'reventing frauds.

K. About 10 days ago 'twas discour'd that 5 or 6 Vessels from the Red Seas were upon the Coast One of them was in A Connecticut Colony (a propriety) & unlivered [unloaded] some part of her goods, w^{ch} were seiz'd upon by his Exēys direcōns to Capt. Culliford Command^r of his Maj^{ies} Frigott the Fowy.

L. The Swift Frigott (Capt. Bostock Command^r) being run aground at North Carolina & in Dang^r to be lost, I therefore in pursuance to my Instrucōns from my Masters the Com^r of his Maj^{ies} Customes, intend to take my passage upon the Fowy with his Maj^{ies} Comīssions to administer the Oaths

Oaths to the Governⁿ of Carolina, & Bermudos, & to carry y^e Comission & instrucⁿons to the Bahama Ilands, where I am well informed by a Master of a Vessell belonging to this Place (who lately came from thence) that Capt. Webb the Proprietors Govern^r seizes & cleers Vessells, making the Masters pay what he pleases, & takes no notice of M^r Graves, appointed to be the Collect^r of his Maj^{ie}s Customes in that Place.

M. Y^r Lordpps may please to Remember that besides the Proprietors Governⁿ taking the Oath, & being approved of by his Maj^{ie}s Ord^r in Councill, before their Entrance into their respective Governⁿ (as in the Act for p'venting frauds is Enacted) that the Right Hon^{ble} the Lords Spirituall & Temporall assembled in Parliam^t for the bett^r regulating the Proprietors Governⁿ did humbly propose to his Maj^{ie} that the Owners of the Severall Proprietys who live in England should give good security to the Value of 2 or 3000^t to his Maj^{ie} that their Governⁿ should punctually observe all the Acts of Trade &c, & that none of their Governⁿ be approv'd of by his Maj^{ie}s Order in Councill, untill such bond be given; I beleive that none of the p'sent Governⁿ (except Capt. Webb Govern^r of the Bahama Ilands) are approved of by his Maj^{ie}s Ord^r in Councill, Neither have any of the Owners (living in England) given such bond, So that notwithstanding the Act for p'venting frauds, the severall Comissions, & all other methods directed (for the bringing those independent Proprietys to a due Conformity to the Laws & Govern^r of England) have been of no effect & the fending Officers of the Customs thither with great Sallarys (as M^r

Penn



Penn has truly observed from the Temper of his Freinds) is only a Charge to y^e Crown.

N. For preventing these & many other open Violaccons & contempts of his Maj^{ies} Laws & Authority it is humbly proposed that his Majesty be pleaf'd to take into his own hands the Goverm^t of all these petty Independent Plantaccons, & appoint Govern^r by his Comissions, Reserving all ways to the Own^r of such Proprietys all their right & property to all Intents & purposes as fully & amply as by their said Lett^r Pattents &c are granted to them &c. Otherwise should a hundred Acts be made for the Regulacon of them, they will pay no obedience to them.

O. I take leave further humbly to propose to y^r Lordpps that it is absolutely necessary for his Maj^{ies} service that the Lords Com^r of the Admiralty do send at least two small light Frigotts to be under the comand & direccon of his Excellency the Earle of Bellamont, besides those now already appointed for New York & New England, otherwise twill be impossible to p'vent illegall Traders & Pyrates Espically from trading in the Provinces & Colonys Extending about 800 miles from New England to Carolina upon the Coast of America, as also to Defend Lawfull Traders from Spoyle & Rapine often committed by Pyrates on this Coast, New York being the Ce[n]tre] & is situated near the main Ocean, So that Vessells may in much less time cruise to the Eastward or westward as Occasion shall require from thence.

All which is humbly Submitted

by ED RANDOLPH.

[Here follows a prcis of preceding paper, alphabetically arranged, probably made by the Clerk of the Board.]

[*Endorsed*]

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[*Endorsed*] L^{ds} Comⁿ Trade Plant^{ns} General
L^{re} from M^r Randolph to
the Board, dated at New York
April y^e 26th 1698.
Rec^d. 6th July } 1698.
Read 4th Oct^r }

THE TITLE OF THE NEW LAWS MADE IN PENSILVANIA IS
AS FOLLOWS.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 665. 26 Apr.
1698.

The Laws made & past by William Markham Esq: Gov-
ern^r und^r William Penn Esq: absolute proprietor of the Pro-
vince of Pensilvania, & the Territories thereunto belonging,
by & with the advice & consent of the Council & Repre-
sentatives of the said Province & Territories in Generall Assem-
bly mett at Philadelphia in the sd Province the 26th of Octo-
ber, & the 7th day of November in the Eighth Year of the
Reign of William the third of England King Año Dni
1696.

And Whereas divers persons within this Goverm^t cannot
(for Conscience Sake) take an Oath upon any account what-
soever Be it therefore Enacted by the Authority aforesd
that all & every such person & persons being at any time
hereafter required upon any Occasion to give Evidence or
take an Oath in any case whatsoever, shall instead of swearing
be permitted to make his or their solemn affirmacⁿon,
attest or Declaraⁿon which shall be adjudged, & is hereby
Enacted & Declared to be of the same force & Effect to all
Intents & purposes whatsoev^r as if they had taken an Oath.

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The

The Form of Justices and Judges
attest shall be in these Words viz:

Thou shalt solemnly Promise that as Judge or Justice according to the Govern^r: Cōmission to thee directed thou shalt do equal right to the poor & Rich to the best of thy Knowledge & Power according to Law, & after the Usages & Constitucons of this Goverm^t:

Provided allways & it is hereby intended that no person shall be by this Act Excused from Swearing who by the Acts of Parliament for trade & Navigation are or shall be required to take an Oath.

This Proviso was contrived by M^r Penn in England some time after the passing the Act for p'venting frauds &c. & by his directions putt in the Body of their new Laws, to sham those who will any long^r credit him: but David Lloyd, a rigid Quaker the Attorney Generall & cheif Director in the Goverm^t declared to me on the 7th of March last in the Company of severall of that sect, the Govern^r being p'sent, that that Proviso was never intended to be observed in Pennsylvania, some of those Quakers being Owners of Vessells, protesting that I made use of it as a snare to entrap them; that they would loose their Vessells before they would take an Oath, according to their Proviso.

[*Endorsed*] Preface or Title to the New
Laws of Pennsylvania.

Transmitted by M^r Randolph
in his Lre to y^e Board, dated
at New York y^e 26th of April. 98.

Rec'd 6th July }
Read } 1698.

RANDOLPH

RANDOLPH TO BENJ^N. BATHURST.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 698.

New York, May y^e 12th, 1698.

S:

Tho' I am farr distant yett I have not forgott my promise made at Parting in Pauls Church yard to give an account what success the Proclamaçon of the Lords Justices for apprehending Everys men (obtain'd by the East India Company) has mett with, in the severall Colonys & Plantaçons upon the Continent of America & Ilands adjacent, but before I answer I take Leave to remind y^e that I gave to M^I: Marshall & M^I: Dorrington members of y^e Company a Copy of my memoriall showing the onely methods for &c. w^{ch} I presented to the Right Hoñble the Lords Comⁿ for Trade, & laid the same likewise before the Right Hoñble the Lords Committees in Parliam^t & that so long as the Proprietys of the Bahama Ilands, Carolina, Pensilvania, with its Territorys the two Jerseys Connecticott Colony, & the Colony of Road Iland, [have?] seperate Govermⁿ one from Another & all Independent from the Crown, 'tis not possible to suppres Pyracy.

The Owners of those Tracts of Land Expect great advantage, & allow their Governⁿ not sufficient to support them honourably in their stations, w^{ch} brings Contempt & putt^s them upon indirect means to gett a bett^r maintenance, besides they generally appoint persons of slender fortunes with an Indifferent stock of honesty; M^I: Trott at Providence stop'd a Dutch Vessell, gott a great deal of money by her before

before he would lett her go, besides what he made by Every & his Company.

Cott Ludwell & Seth Sowthwell one of the Lords Propriet^r of Carolina about the year 1692 inriched themselves by James Miller a Scotch man & some of his Company, who shar'd a thousand pound a man at Charles Town soon after went to Pensilvania, where they paid M^r Markham for his favour & protection, they are settled & are Inhabitants there to this day as appears by the inclosed paper N^o 1.

I am heartily dispos'd to Cott. Nicholson the Govern^r of Maryland, he is a man truely zealous to suppress Pyracy & illegall Trade, he has been very severe formly upon those who were suspected onely to harbour or countenance any Pyrates, so that not one of Every's men ever came into that Province. I have not heard of any in Virginia, but at Philadelphia, I saw Stephen Claus (one of them) living within 20 Rods of the Govern^r house & James Brown another of them is married to M^r Markhams daughter, & lives below New Castle.

I Inclose to y^v a Paper N^o 2 being the Narrative of Cap^t Sneed lately a Justice of Peace in the Province of Pensilvania, with whom S^r John Hubland [Hulland?] corresponds, as N^o 3 being the Informa^cn of Thomas Robinson Esq^r Agent to the R^t Ho^bble the Earle of Romney to receive his Maj^t Part of Prizes brought into those Planta^cons, & also a Copy of the Examina^cn of two of Everys men who (as I said before) live in the Town, Notwithstanding the Govern^r had received (whilst I was in Philadelphia) his Maj^t Circular lett^r of the 25th of September (97) from the Duke of Shrewsbury's Office, signifying his Maj^t Express pleasure to all Govern^r

Governⁿ &c. to arrest Seize & Secure the ships Persons & Effects of all Pyrates & sea Rovers &c. yet after my stay 3 weeks in Philadelphia, I saw the Pyrates walking about the streets as form'ly. But his Excy the Earle of Bellamont kept all close till he had certain advise that a Vessell from the Red Sea had landed some of her goods in Connecticott Colony, some port [part?] whereof is nigh N: York, as did also about the same time a Dutch Bottom from Madagascar loaden with East India goods, which they unliv'r'd about the same place in the sd Colony. The Earl of Bellamont order'd Cap^t Culliford Cōmand^t of the ffowy ffrigott to dispatch a Boat & hands to seize them, they were found in one Banks his house in the Town of Greenwich in that Colony.

In a little time about 40 Pyrates were stoln into New York, I saw Edward Taylor (one of Coates his men) walking about the Town, but soon after was taken in Bed, & carried to the fort, with some two or three more of the gang, upon which the rest being nigh 40 in all made their Escape to Connecticott Colony, & East Jersey; so that his Lord^{pp} being by the Duke of Shrewsburys Lett^t confin'd within the limitts of his own Jurisdicⁿon, cannot seize or send his Warr^t to apprehend any Pyrate either in Connecticott Colony or the Jerseys, tho' it has been proved that he is a notorious Villain.

And as to the Governⁿ of those places they live about 60 or 70 miles up in the Country, besides being Elected by the People once a year, they dare not medle with any, tho' they knew it, least the inhabitants who live by the sea side, & gett money for concealing prohibited goods, make a party & choose another Govern^t for the Ensuing Year.

His



His Excy has highly displeas'd the Trading men in this Town, who have all along Encourag'd Privateers; he is Issuing a strict Proclamacon ag^t Pyrates & their Abettors, which will onely make them remove their Trade. & familys to Amboy in East Jersey, lying farr nearer to Sandy Hook then New York, so that there is an absolute Necessity of those places & all the other proprietys to be putt und^t his Maj^{ts} immediate Authority.

I am going to Providence & Carolina where (if I am rightly inform'd) severall of Everys men & other Pyrates are settled; the Swift ffrigott appointed to transport me from one Plantacon to another, is drove ashore & not fitt for ser-vice, otherwise I should be in a Condicon to manage them, wherever I meet with them, or any of their goods, having a power to seize & secure their Goods in what place soever I find them.

It will be a reproach to the Goverm^t that after his Maj^{ts} has by his Victorious Armies subdued his Insulting Enemys & brought the blessing of Peace to England That M^r Penn should so farr p'vaile upon persons of Hon^t to Joyne with him to promote the setting up of little cōmonwealths in his Maj^{ts} Dominions abroad who are of different principles from him, & have appeared in setting up the Monarchicall Goverm^t at home. I am S^r your humble Seru^t

EDRANOLPH S: G.

be pleased the inclosed being Capt. Sneeds letter
to S^r John Hulland may be delivered.

[Endorsed]

M^r Randolph's Lre to
S^r Benjamin Bathurst
dated at N^r: York y^r. 12th
of May 1698.

RANDOLPH

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RANDOLPH TO THE BOARD, ABOUT BOUNDARIES.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 673.

New York May 16th 1698.

May it Please y^r Lord^spps

I was yesterday desired (by M^r ffrederick Phillips one of the most antient Inhabitants of New York & greatest Trader to Albany, & other Merch^{ts} trading with the five Nations of Indians in Amity with the dutch at Albany) to represent to y^r Lord^spps, that the ffrench have for many years encroached upon the Trade, & also upon that Part of the Countrey to the Southward of their Bounds, by making settlements at the heads of all the great Rivers in his Ma^{tes} Plantations, from Panopscott Northward to South Carolina, so that 2 or 300 ffrench may upon any difference betwixt the Crowns of England & ffrance come down in small Partyes, & ruine & destroy all the Inhabitants, who live 10 or 15 miles distant One Neighbour from another Especially in Virginia & Maryland, where there are no Towns.

Now I am very well Inform'd that upon a treaty of Settlem^t of the Bounds between his M^{tie} & the ffrench King it was concluded that all the ffrench do draw off their Inhabitants, settled upon the heads of all the Rivers in Carolina, Virginia, New England &c. & to confine themselves within the limitts of their old bounds.

The Northward of the River of Panopscott has allways been accounted the dividing line between the English & the ffrench, running from thence N. N. W. up into the Countrey by which means the Beaver hunting Trade (now taken from

us



us by the ffreind) will be secured to us, & thereby the 5 Nations of the Indians will bring all the Peltrey to Albany & continue their ffreindship to us.

I take leave to inform y^r Lordpps that all the Country of Accade to the Eastward of Boston is a very great fishing Place, where is also abundance of Excellent Copper & Masts &c. & did belong to the Crown of England, but the ffreind gott it from us by a treaty to the very great disadvantage of the Crown.

I humbly take leave to propose that, (upon the Treaty about adjusting all difference between his M^ttie & y^r Crown of ffrance) the Articles formerly made between the King of England & the ffreind King about the bounderries in those Western Parts of the world may be accordingly agreed upon & settled. All which is humbly submitted by

y^r Lordpps humble Serv^r

[Not signed.]

[Endorsed]

To the Right Hon^{ble}
the Lords Commⁿ for Trade.

Lre from M^r Randolph to
the Board, dated at New York
y^r 16th of May 1698; about the
Boundaries between the
English & y^r French Plant^m.

Rec^d 6th July } 1698.
Read 4th Octob^r }

RANDOLPH

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RANDOLPH TO THE BOARD, ABOUT ILLEGAL TRADERS IN
RHODE ISLAND.

State Papers, Board of Trade, Plantations General, Vol. 5 (C. 17).

Boston May the 30th 1698.

May it Please y^r Lordpps

I wrote to y^r Board very largely from New York to which I humbly referr y^r Lordpps, I left that Place the 21st Instant & came to Road Iland the 24th following, where Walter Clark (a Quaker) being severall years Govern^r quitted the place because he would not take the Oath Injoynd him by the A^cts of Trade, & Samuel Cranston (Clarks Nephew) is Govern^r there to the same end as M^r Markham is Govern^r in Pensilvania onely to take the Oaths Injoynd by the Act for p'venting frauds, but the Managem^t of the Goverm^t (such as it is) is in the hands of Quakers & Anabaptists, Neither Judges Juries nor witnessses are under any obligation so that all things are managed there according to their will & Interest.

M^r Brenton delivered the Cōmission to the severall Officers of the Court of Admiralty to be Erected in that Colony, w^t M^r Clark the late Govn^r opposed.

Coll Peleg Sandford Judge of the said Court went to Walter Clark when he was Govern^r to be sworn to the true performance of his Office, Clark took his Cōmission from him, & carried it to the Assembly fitting about that time, & acquainted them that the allowing of a Court of Admiralty to be erected in that Colony would utterly destroy their Charter, by which they were Impowerd to erect a Court of Admiralty & appoint the Officers thereunto belonging.

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Sometime



Sometime after Coll. Sandford demanded his Cōmission (for Judge) of Walter Clark, which he then absolutely refused to give him.

The p'sent Govern^t has likewise refused to give the Judge of the Court of Admiralty his Oath telling me that he has no authority or directions for so doing.

Not long before my Landing at Road Iland eight Pyrates came from ffishers Iland (belonging to y^e p'sent Govern^t of Connecticott Colony) with a great deal of money & East India Commodities which they brought in their Brigantine (from Madagascar) now lying at New York.

Upon the Arrivall of the fflowy ffrigott in Road Iland harbour, six made their Escape from thence to Boston, with a great Quantity of East India Goods & money; But Robert Munday & George Cutler (two of them) were seised upon & about 14 or 1500^l in silver & Gold was taken from them, and (as the Govern^t tells me) is in his Custody, they were putt in prison but about two days after they were admitted to Bayle, by the Govern^t order (as I am Informed Gresham Clark one of the Govern^t Uncles being their Security by wth means they have opportunity given them to make their Escapes, leaving their money to be shared by the Govern^t & his two Uncles, who have been very great Gainers by the Pyrates, wth have frequented Road Iland; three or four Vessells have been fitted out from thence to y^e Red Sea.

Walter Clark the late Govern^t & his Brother now the Recorder of the Place, have countenanced Pyrates & enriched them selves thereby, their Deputy Govern^t John Green granted a Cōmission to one of the Pyrates (who went from

from thence to y^e Red Sea) without any Security given by the Master; the house of Deputies being the Law Makers take no Oaths nor Engagem^t; they raise money upon such of the Inhabitants as are not ffreemen of their Corpora^con w^{ch} they have no power by their Charter to do.

Walter Clark called the people together to sign the association, he told them, such of them as were willing might do it but because he himself refused to sign it, the people from his Example neglected to do it.

There are a great many men of good Estates in Road Iland groaning und^r the oppression of this Lawless Goverm^t who would do his M^atie faithful service, if either putt und^r his M^aties immediate Goverm^t or annexed to the Province of the Massachusets Bay, they have offer'd to allow 500^t p anⁿ towards the support of a person appointed by his M^atie to be Govern^t over them, till that's done, 'tis not possible for the Earle of Bellamont, (the Goverm^t of the Province of Massachusets Bay) to suppress illegall Trade & Pyracy which were form^{ly} most notoriously countenanced & supported in this Place & to this day continued in Road Iland Colony.

Now for the bett^r, confirmation of what I have herein represented, I humbly move y^e Lord^s to order that an Authentick Copy be made of all the Laws of Road Iland now kept in loose papers & transmitted to y^e Lord^s (after they have been truly Examined & Compared by Col^t Peleg Sandford Judge of his M^aties Court of Admiralty & M^r ffrancis Bromly men of great Estates in that Goverm^t) by which their Ignorance in making, & their arbitrary Execution of those Laws will most Evidently demonstrate. that
they



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Edward Randolph.

they are no way capable to Govern the people in that Colony.

All which is humbly submitted to y^e Lord^s by
y^e Lord^s most humble Ser^r.

EDRANOLPH S: G.

June the 6^a

I am this day Informed that the Govern^t of Road Iland intend to appoint a Court & proceed to tryall of Munday & Cutler the Pyrates whose money the Govern^t has in his hands, & in case no body appears (to prosecute them for Pyracy) to acquitt them & Deliver them their money Notwithstanding the Earle of Bellamont sent them his Māties Circular Lett^r directed to all Govern^t in the Plantations to Seise & apprehend y^e Ships Goods & Effects of all persons Suspected for Pyracy &c. which (as I remember) Cranston the Govern^t acknowledged to me that he had received.

Walter Clark the late Govern^t of Road Iland is highly displeased that the Oaths Injoyned by the Act for preventing frauds is to be taken by the Govern^t of that Colony, & also because his Mātie has ordered a Court of Admiralty to be erected there, I hear he is appointed their Agent to attend y^e Lord^s & to represent their Grievances & pray his Māties releif therein, they are raising money upon the Inhabitants to defray his charges.

[Endorsed]

Lords Com^r for Trade.

Le from M^r Randolph from
Boston in N. E. to y^e Board, abt
Pirates & Illegal Traders in
Rhode Is^r.

Dated y^e 30th of May
Rec^d y^e 5th of Sept^r } 1698.
Read the 20th Octob }

RANDOLPH'S

RANDOLPH'S LETTER TO THE BOARD RELATING TO SEVERAL
OF THE PLANTATIONS.

Board of Trade, Plantations General, 5 (C. 18).

New York 25 Aug^t 1698.

May it please Y^r Lord^s

A. I am Still prevented from carrying the Commissions to administer the Oaths to the Governⁿ of Carolina and Bermudes, for want of a passage thither, w^{ch} I now Expect in a few dayes. I was lately in the Province of East New Jersey where most of the Towns, in that and the Other Province will not accept of M^r Basse to be their Govern^t because he is not qualified by His Maj^a Order in Councill first had Approving and allowing him to be such before his Entrance upon the Government.

B. I Observe all the Governⁿ take the Oaths, not in Obedience to the Acts of Trade but to avoid the paym^t of £1000 forfeited upon their refusall yett they have Entred upon their Governm^t and take upon them to Execute the Severall Trusts, and powers reposed by those Acts in his Maj^a Governⁿ and to be done Onely by them in the Plantaⁿons.

C. I humbly Inclose to y^r Lord^s some Queries arifeing upon the Proprieⁿ Governⁿ intermeddling with the Acts of Trade (who till I am better informed) Seeme no way concernd therein, altho they have taken the Oath.

D. I went to Phyladelphie and discoursed M^r Markham about his Law and told him that he had therein acted Expressly against the 10th Article of his Instructions Signd by their Exce^t: the Lords Justices w^{ch} he had taken an Oath to

to Observe in passing a law repugnant to the Act for preventing Frauds etc. made in the 7 & 8th year of His Majst Reign, A Copy whereof wth my short remarks upon it, I humbly transmitt to y^r Hon^r.

E. I have in my former letters to y^e Board particularly represented the state of the Planta^cons under His Majst Authority in rela^con to trade to wth I humbly referre y^r Lordships, Butt so long as the Colonies of Road Island and Connecticut, the Province of East & West new Jerseys of Pensilvania and Counties annexed, and North Carolina, adjoyning to and intermixt among those His Majst Planta^cons tis Impossible that their Respective Govern^r can suppress the scotch and Other illegall trade: The Scotchmen now highly value themselves upon the Opinion of the Atturyn and Sott Gener^{ll} On the proviso in the Act for preventing Frauds &c. relateing to Scotch men.

F. The Inhabitants of the Province of Pensilvania have already by their shamm Law utterly destroyd the design & Intent of the Act for preventing Frauds &c. and they question not but by M^r Penns prevailing Interest to get that Law passed in their Favour, wth if so will be an admirable presidint for all the Other Govern^r in the Propriety to pass the like law, and then they will be soon peopled, for many more of the Inhabitants of New York, Mary-land & Virginia will settle amongst them, where all goods and Commodities are Exported and Imported Duty Free: And their laws like those in Pensilvania as favourable as they please to make them.

G. There never were in One year so many Vessells Entred out of this Portt to Madagascar, and Curassaw then now.

H.

H. The Swift Frigott is lost, w^{ch} was Ordred to transport me from one Plantaçon to Another, and to cruize along shoares to prevent the Illegall trade (w^{ch} proves so profitable to thofe who cary it on) that if 100 Acts of Parliam^t are made, and no Veffells to intercept them before they gett into harbour, will signifie nothing, towards preventing that trade as by the Inclosed list appeares.

I. From the Consideraçon whereof, I humbly take leave to add that unlesse a small Veffell well mand be Ordred to cruise, and looke into the Capes of Virginia, Delaware bay and N: York, and sometimes to Carolina, and Providence in the Winter time his Maj^u for want, thereof will loose in his Customes more in One Year, then will maintain 5 Men of warr in pay at home.

All which is humbly submitted
by y^r Lord^s
most humble serv^r
ED RANDOLPH.

K. This is by Capt. Richard Culliford Commander of his Ma^{ies} frigott the fwoy whom y^e Earle of Bellamont, upon notice that a great quantity of East India Goods were landed & in the house of Major Sellich (a cheife man in Connecticut Colony) sent theither to seize them: I have in some of my litters mentioned it to y^e Board, and the affronts he mett with there: I humbly intreat y^r Lord^s that he may attend & relate the matter of fact I know not his lodgings in London, But M^r Se^rry Popples letter if left for him at the Admiralty will find him.

[Here follow précis, as in paper i. 4.]

[*Endorsed*]

[*Endorsed*]Plantations General,

Letter from M^r Randolph to the
Board dated at New Yorke the
25th of Aug. 1698 relating to
several of the Plantations.

Rec^d 31st Oct^r }
Read 1st Nov^r } 1698.

RANDOLPH'S LETTER TO SEC^Y POPPLE.*Board of Trade, Plantations General, 5 (C. 19).*Sep^t 12: 1698.

S:

The fwoy frigott not being sayld: I take leave to inform
y^r Hon^r that the E: Bellamont is still indisposed with the
Gout which yet prevents his Exce^t: Going to Boston. I
observe here a great ferment amongst the trading people,
because his Exce^t: has endeavoured to supprese the illegall
Trade: which has for many yeares been Carried on with
great advantage to the Merc^b. Tis not the person but the
Customs long since imposed by themselves upon Trade which
makes them dissatisfied. That all expires next May: they
will not continue it.

The Provinces of East & West Jersey are setting for them-
selves, & will not, accept of M^r Basse to be their Gov^r & he
is laying down the Gom^r & retiring to his plantation: I am
at last going to Carolina, from whence (if it please God I live
& escape the pyrates) I shall send an Account of the present
State thereof to their Lords^{pp}.

Wishing

[REDACTED]

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Wishing continuance of health to you & yⁿ with my humble service to M^r Popple I am S^r
Your Hon^r: most humble Serv^r
ED RANDOLPH.

To M^r Se^rry: Popple.

[Endorsed] Plant^{ns} Gen^d

Lre from M^r Randolph to y^e Sec^r?
dated at New York y^e 12th of Sept^r 1698.
Rec^d 30th Oct^r } 1698.
Read 1 Nov^r }

E. RANDOLPH TO THE LORDS OF TRADE.

History of South Carolina, by William James Rivers, p. 443.

May it please y^r Lordships.

16 March 1698.

After a dangerous voyage at Sea, I landed at Charles Town, in the Province of So. Carolina, & soon after my arrival, I administered the Oath to M^r Jos. Blake, one of the Proprietors & Governor of this Province. But he is not allowed of by his Ma^m Order in Council to be Gov^r, the Act of Parl^t for preventing frauds being not taken notice of by the Proprietors.

There are but few settled Inhabitants in this Province, the Lords have taken up vast tracts of lands for their own use, as in Colleton County & other places, where the land is most commodious for settlement, which prevents peopling the place, & makes them less capable to preserve themselves. As to their civil Goverm^t 'tis different from what I have met with in the other Proprieties. Their Militia is not above 1500 Soldiers White men, but have thro' the Province generally



erally 4 Negroes to 1 white man, & not above 1100 families, English & French.

Their Chief Town is Charles Town, and the seat of Govrn^t in this Province, where the Governor, Councill & Triennial Parliam^t set, & their Courts are holden, being above a league distance from the entrance to their harbour mouth, w^{ch} is barred, & not above 17 foot water at the highest tide, but very difficult to come in. The Harbour is called by the Spaniards, St. George ; it lyes 75 leagues to the Northward of St. Augustine, belonging to the Spaniards. It is generally laid down in our English maps to be 2 deg. 45 min. within the southern bounds of this Province. In the year 1686, one hundred Spaniards, wth Negroes & Indians, landed at Edistoe, (50 miles to the southward of Charles Town,) & broak open the house of M^r Joseph Moreton, then Governor of the Province, & carried away M^r Bowell, his Brother-in-law, prisoner, who was found murdered 2 or 3 days aster ; they carried away all his money & plate, & 13 slaves, to the value of £1500 sterl^g, & their plunder to St. Augustine. Two of the Slaves made their escape from thence, & returned to their master. Some time after Gov^r Morton sent to demand his slaves, but the Gov^r of St. Augustine answered it was done without his orders, but to this day keeps them, & says he can't deliver them up wthout an ord^r from the King of Spain. About the same time they robbed Mr. Grimball's House, the Sec. of the Province, whilst he attended the Council at Charles Town, & carried away to the value of above £1500 sterl^g. They also fell upon a settlement of Scotchmen at Port Royal, where there was not above 25 men in health to oppose them. The Spaniards burnt

burnt down their houses, destroyed & carried away all that they had, because (as the Span^{ds} pretended) they were settled upon their land, and had they at any time a superior force, they would also destroy this Town built upon Ashley & Cooper Rivers. This whole Bay was called formerly St. George's, which they likewise lay claim to. The Inhabitants complained of the wrong done them by the Spaniards to the Lords Proprietors, & humbly prayed them (as I have been truly informed) to represent it to His Ma^v, but they not hearing from the Lord Prop^r, fitted out two vessels with 400 stout men, well armed, & resolved to take St. Augustine. But Jas. Colleton came in that time from Barbadoes with a Commission to be Gov^r, & threaten'd to hang them if they proceeded, whereupon they went on shore very unwillingly. The Spaniards hearing the English were coming upon them for the damages, they left their Town & Castle, & fled into the woods to secure themselves. The truth is, as I have been credibly informed, there was a design on foot to carry on a Trade with the Spaniards.

I find the Inhabitants greatly alarmed upon the news that the French continue their resolution to make a settling at Messasipi River, from [whence] they may come over land to the head of Ashley River wthout opposition, 'tis not yet known what care the Lord's Prop^r intend to take for their preservation. Some ingenious gentlemen of this Province (not of the Council) have lately told me the Deputies have talked of mak^x an Addres^s to the Lords Prop^r for relief, But 'tis apparent that all the time of this French War they never sent them one barrel of powder or a pound of lead to help them. They conclude they have no reason to depend upon them

them for assistance, & are resolved to forsake this Country betimes, if they find the French are settled at Meschasipi, or if upon the death of the King of Spain these Countries fall into the hands of the French, as inevitably they will (if not timely prevented), and return with their families to England or some other place where they may find safety & protection. It was one of the first questions asked me by several of the Chief men at my arrival, whether His Ma^y had not sent over some soldiers to preserve them from the French, saying they might all live in this plentiful Country if His Ma^y will please to allow them half pay for 2 or 3 years at fur-theft, that afterwards they will maintain themselves & families (if they have any) in making Pitch and Tar & planting of Indian Corn, His Majesty will thereby have so many men seasoned to the Country ready for service upon all occasions, five such men will do more service by sea or land than 20 new rais^d men from home, they may be brought hither in the Virginia outward bound Ships, 100 or 150 men in a year, till they are made up 1000, it will save the charge of transporting so many another time 2 or 3000 leagues at sea. I heard one of the Council (a great Indian Trader, & has been 600 miles up in the Country west from Charles Town) discourse that the only way to discover the Meschasipi is from this Province by land. He is willing to undertake it, if His Ma^y will please to pay the charge w^{ch} will not be above £400 or £500 at most; he intends to take with him 50 white men of this Province and 100 Indians, who live 2 days journey east from the Meschasipi, and questions not but in 5 or 6 months time after he has His Ma^y's Commands & instructions to find out y^e mouth of it and the true latitude thereof.

The

The great improvement made in this Province is wholly owing to the industry & labour of the Inhabitants. They have applied themselves to make such commodities as might increase the revenue of the Crown, as Cotton, Wool, Ginger, Indigo &c. But finding them not to answer the end they are set upon making Pitch, Tar & Turpentine, and planting rice, & can send over great quantityes yearly, if they had encouragement from England to make it, having about 50.000 Slaves to be employed in that service, upon occasion, but they have lost most of their vessels, which were but small, last war by the French, & some lately by the Spaniards, so that they are not able to send those Commodities to England for a market, neither are sailors here to be had to man their vessels.

I humbly propose that if His Ma^v will for a time suspend the Duties upon Commodities, and that upon rice also,⁶ it will encourage the Planter to fall vigilantly upon making Pitch & Tar &c., w^{ch} the Lords Prop^t ought to make their principal care to obtain from His Ma^v being the only way to draw people to settle in their Province, a place of greatest encouragement to y^e English Navy in these parts of y^e world. Charles Town Bay is the safest port for all Vessels coming thro' the gulf of Florida in distress, bound from the West Indies to the Northern Plantations; if they miss this place they

may

⁶ *History of England in the Eighteenth Century*, by William E. H. Lecky, ed. 1878, Vol. I. p. 333. "The first slight relaxation of the commercial restraints which excluded the colonies from intercourse with all foreign countries was due to Walpole, who carried, in 1730, an Act enabling Carolina and Georgia to send their rice direct in Brit-

ish vessels, manned by British sailors, to any part of Europe south of Cape Finisterre; and this measure, restricted as it was, had the effect of greatly developing the colonial plantations, and making their produce a successful rival to Egyptian rice, in the chief markets of Europe."



may perish at sea for want of relief, and having beat upon the Coast of New England, New York, or Virginia by a North West Wind in the Winter, be forced to go to Barbadoes if they miss this Bay, where no wind will damage them and all things to be had necessary to refitt them. My Lords, I did formerly present Your Lordships with proposals for supplying England with Pitch & Tar, Masts & all o' Naval Stores from New England. I observed when I were at York in Sept: last, abundance of Tar bro: down Hudson's River to be sold at New York, as also Turpentine & Tar in great quantities from the Colony of Connecticut, I was told if they had encouragement they could load several Ships yearly for England. But since my arrival here I find I am come into the only place for such commodities upon the Continent of America; some persons have offered to deliver in Charlestown Bay upon their own account 1000 Barrels of Pitch and as much Tar, others greater quantities provided they were paid for it in Charles Town in Lyon Dollars passing here at 5^o p^r piece, Tar at 8^o p^r Barrel, and very good Pitch at 12^o p^r Barrel, & much cheaper if it once become a Trade. The season for making those Commodities in this Province being 6 mo^o longer than in Virginia and more Northern Plantations; a planter can make more tar in any one year here with 50 slaves than they can do with double the number in those places, their slaves here living at very easy rates and with few clothes.

The inclosed I received from M. Girard, a French Protestant living in Carolina. I find them very industrious & good husbands, but are discouraged because some of them having been many years Inhabitants in this Province, are denied

denied the benefit of being Owners & Masters of Vessels, which other the Subjects of His Majesty's Plantations enjoy, besides many of them are made Denizens. If this Place were duly encouraged, it would be the most useful to the Crown of all the Plantations upon the continent of America. I herewith enclose to Your Lordships a Draft of the Town and Castle of St. Augustine, with a short description of it by a Gentleman who has been often there. It's done exactly true, more for service than for show. The Spaniards now, the French, if ever they get it, will prove dangerous neighbours to this Province, a thing not considered nor provided against by the Lords Proprietors. I am going from hence to Bermuda, with His Ma^y Commissioners, to administer the Oath to the Gov^t of that Island, with a Commission for the Judge and other Officers of the Court of Admiralty erected there, from where I believe it necessary to hasten to the Bahamas Islands, where a Brigantine belonging to New England was carried in as a wreck. The Master & Sailors being pursued by some persons who had Commission for Gov^t Webb, believing they were chased by Spaniards, forsook their Vessel & went on Shore among the Natives to save their lives.

All which is humbly submitted by
Your Lordship's Most humble Servant,
ED. RANDOLPH.

The want of a small Vessel to support the los^s of the Frigate, which was appointed by the Lords Commis^r: of the Admiralty to transport me from one Plantation to another, makes me stay a great while at one place for a passage to another, which is uncertain, difficult & dangerous.



I have by the extreme of cold last Winter in Maryland and Pennsylvania, & by my tedious passage in the Winter time from New York to this place, got a great numbness in my right leg & foot. I am in hopes this warm climate will restore me to my health. I have formerly wrote to your Board & the Commiss^r of H. M. Customs, the necessity of having a Vessel to transport me from one Plantation to another.

I humbly pray your Lordships favour to direct that the little residence I am to make in these parts of the World, may be in this Province, & that a Vessel well manned may be sent me hither, which may answer all occasion, my intentions being not to lye idle, for when the Hurricane times come in these parts of the World, I can go securely to Virginia, Maryland & Pensylvania & New England, without fear of being driven from those Plantations by North West Winds, & when they come I can pass from one Plantation to another without difficulty.

[The letter of Peter Girard gives the number of French Protestants in Carolina on 14 March 1698-9 as 438.]

ED. RANDOLPHE TO THE EARL OF BRIDGEWATER.

History of South Carolina, by William James Rivers, p. 447.

Charles Town in South Carolina, March 22^d 1698.

May it please Yo^r Lo^r:

About the 10th of January past, one Cutler came from London hither with his Wife, he gave out that he had a Commission from his Majesty to search for Mines in this Province,

Province, his Wife has brought over with her a stock and keeps a Miliner Shop in this Town, he expects one Green to follow him, equally concerned with him (as he says) in the search for mines, but neither he nor Green have been formerly in this Province. I hear from an intimate freind of Cutler's, that his dependance is wholy upon one Edward Loughton, (whose wives Sister Cutler married in London,) And one David Maybanck (another relation by Marriage,) to assist him, they have no knowledge of mines, further than what they have heard Indian Traders who live in the Savanore Town discouſe, that there are Mines about that place, as 'tis comonly ſaid there are in other places in the Province; that which is talked of is 30 or 40 miles down the Savanore River, taken up when the River is dry, good for little or nothing.

Loughton and Maybanks are both house Carpenters and have lived about 16 years in this Town, they were in London not long agoe, 'tis probable they might infuse notions of Mines into Cutler & Green. That they knew where there were mines, and easily to be found if they could get a Commission from His Majesty to ſearch, and ſome persons of quality to countenance them and money to bear their charges; They returned about 5 years after. Now whether they are joyned with Cutler and Green is best known to your Lordship.

Cutler talks of going to the Savanore Town, about 120 miles from hence, with Loughton & Maybanks, to ſpeak with the Indian Traders, he promiffes great matters to thoſe who inform him of Mines. He has lately diſcoured that your Lordship, the Earl of Pembrook & M^r Blathwayt, are

principally



principally concerned. That your Lordships have got them a Commission to pay their passage & travelling charges.

My Lord,— I did enquire of a Gent. living in this Country, what profit has arisen to his Majesty by the 4th part of the Gold & Silver Mines in this Province, or whether they have given encouragement to any persons to discover them and work them. I hear of none.

Some time after, upon a Report that I was going to England, he sent me a letter, a Copy whereof I humbly inclose to your Lord^p, w^{ch} I intended to shew to the Chancellor of the Excheq^r if I went home, or to transmit it to his Lord^p? by the next shipping. But since I find that your Lord^p, the Earl of Pembroke, to whom I have the honour to be known, and M^r Blathwayt, are all engaged in the same design to promote the lasting benefit of His Majesty and his Kingdomes, I do therefore humbly inclose a Copy thereof to M^r Blathwayt, in case any should miscarry, how far your Lord^p now will please to communicate this to the Chancellor of the Excheq^r. I humbly submit to your Lordship.

M^r James Moore (who sent me y^e letter) is a Gentleman of a Good Estate in this Country, he is Sec^y of the Province and a Deputy to S^r John Colleton, one of the Lords Propⁿ. He told me when we first discourst about Mines, That if he were impowered by his Majesty and had good encouragement for himself and his friend, he would forthwith, upon receipt thereof, take with him 50 White men and 100 of the Chirakues Indians to be his Guard. That he had a Negro Smith. He desired me to be secured against the Lords Proprietors claime; to have all matters so accommodated that they might not seize upon the produce of his own cost & labour bestowed

[Redacted]

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stowed upon his Maj^{ts} 4th Part, Whereas their Lordships have
 $\frac{3}{4}$ P^{ts} to set men to work upon for themselves; That he can
employ his Estate & Slaves to greater proffit. As to his
own share which may arise to him from the Mines, he wholly
submits that to his Majesty and to your Lordships, consider-
ing he is at all the charge of the discovering and opening
them.

My Lord, As this is a matter of great import to the
Crown if it succeed, so if it be not it will prove an utter ruin
to M^r Moor, if the Lords Proprietors know that he hath
neglected their Lordships and made his proposalls in the
first place to your Lordships he will certainly be a double
looser, for besides his great charge & travell to discover the
Mines, the Lords Prop^r will upon the first notice, turn him
out of the Councill, and take from him his office of Secret^r,
and engage the Gov^r and Councill against him, to the de-
struction of himself & numerous family, and at last force him
to leave the Country, as has been formerly practiced upon
men of good Estates in this Province.

Your Lordshipp may please for your further satisfaction
of M^r Moor's quality to be informed of M^r W. Thornburgh,
now one of the Lords Propriet^r and his Agent in London,
(but of that tenderly,) as to any share to myself, 'tis his kind-
ness to mention it. I have been for many years alwayes
ready to serve y^e Crown, if your Lo^r please to command, I
will attend at Whitehall. I am very sensible it will be
necessary in many respects.

In the meantime, I humbly pray for the recovering of my
health, that I may have leave to make my residence in
Carolina in Winter time to avoid the extremity of cold in

Virginia



Virginia, Maryland, or those other Northern Plantations, and that I may have another Vessell that draws much less water than the Swift advice boat, lost by the carelessness of the Commander in Virginia last Winter, with liberty to have an able Coaster, well acquainted with the dangerous flats and sands upon all the shoars from this place to New England, where his Majst service will very often require me, the los^s of that Vessell makes my passage tedious, dangerous and troublesome, I shall thereby be freed from the hurricanes in the extremity of hot weather in these parts of America.

All w^{ch} is humbly submitted by

ED: RANDOLPH.

[Communicated by his L^{d_p} to y^e Board]

Rec^d y^e 15th Read 19th June 1699.

RANDOLPH'S DEPOSITION ABT HIS IMPRISONM^T.

State Papers, Board of Trade, Plantations General, Vol. 5, (E. 13). 31 Jan.
1699
1700.

To the R^t Hon^{ble} the Lords Commissioⁿ for Trade.

The Memoriall of Edward Randolph Esq^r Surveyor Generall of the Customes in all his Majesties Colonies, Provinces and Plantations on the Continent of America, and Islands adjacent.

Your Lord^{ps} were pleased to signify your Commands by M^t secretary Popples Letter to me (then in England) of the first of April 1697 to Give Your Lord^{ps} from time to Time an Account of whatsoever I should Iudg proper for Your Knowledge

[Redacted]

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Knowledge in Order to his Ma^{ties} Service, in any of those Colonies I should reside in, or through which I should pass.

That in Pursuance thereof, I have given your Lord^{ps} in all my Letters from those Colonies &c. On the Continent of America, & Islands Adjacent, a true and ffaithfull Account of Whatsoever I observed Proper for Your Lord^{ps} Knowledg, in Order to his Majesties service.

That I have been Imprisoned 32 weeks in Bermuda for following your Lord^{ps} Directions in Transmitting a particular state of the Administration of the Governours in those Islands as by the Annexed Copy of the Deposition relating thereto does appear.

That I have been at Great Charges in procuring and sending your Lord^{ps} Mapps, and Draughts of places most Necessary for your Lord^{ps} Knowledge, which your Lord^{ps} have been pleased to do me the Honour to Acknowledge, in Your Letter of the 27^o of July 1699, sent to me During the Time of my said Imprisonm^t and to put a Vallue upon my Services as usefull for Your Lord^{ps} Information and also for the Generall Benefitt, and Advantage of the Trade of this Kingdome, Whereupon Your Lord^{ps} did in y^e said Letter assure me of your readines upon all Occasions to do anything that might be proper for my Encouragm^t in his M^aties Service, with respect to my past Services, and 32 weeks severe Imprisonment in Bermuda.

I Humbly intreat your Lord^{ps} favourable representation thereof to his Majesty, in such manner, as due consideration may be had to my services and sufferings abroad, and to my
Attendance



Attendance on your Lord^{ps} whenever required, since my Arrivall, as to his M^{ties} Goodnes, and Wisdome may seem most reasonable.

All which is humbly Submitted

By ED RANDOLPH: S: G.

Rec^d 20th June 1701.

[Endorsed] Memorial.

[Annexed.]

Bermuda.

The Deposition of Samuell Spofforth Geⁿ formerly a Member of the Councill of those Islands who being sworn Saith

That upon the 15th day of May last Edward Randolph Esq^r Surveyor Generall of his M^{ties} Customes in America did (upon the Death of Samuell Trott Esq^r) depute, and appoint this Depon^t to be Collector of his Majesties Customes in these Islands, and in Order to his qualification, he the said Randolph presented this Depon^t as such an Officer unto his Excellency Samuell Day, Esq^r, the present Governo^r and desired that the usuall Oaths might be Administred, compleatly to qualify him for y^e Office, But the Governour flew into a passion, and did strangly abuse y^e said Randolph, calling him Old Dogg, Old Rogue, Villain, Rascall &c. threatening to pull off his Nose, and to make his Body smart, and make him a perticular Example to all Such Busy Rogues as he was before they parted, saying that he would make him Know his Duty for that he had nothing to do here, but to inspect y^e Officers accounts, and to make Report home, & to be Gone about his Busines^s And the Governo^r further said, that he had, or would appoint a Collector, and fwore

fwo're the same shoul'd serve, let who would say the Contrary, For that the King had Given him Authority, therefore he valued not the Commissioners of the Customes, with a great deal of Base, Scurrilous Language, which this Depon^t was ashame'd to hear, Especially from a Governo^r, Altho' M^r Randolph seemed undisturbed, Answering without heat or Passion, Us'ng a modest way of Speaking free from Reflection, or any expreſon which might raise his Passion.

The next day the Governo^r called his Councill, and M^r Randolph was summoned to appear before them, But y^e Court was Private, none being suffered to hear what was Charged against him, But M^r Randolph presently came Down in the Sheriffs Company, and was immediately clap'd into prison, upon which he Petitioned for a special Court, but y^e would not be allowed, And on Monday the 23^o of May, Roger Crane y^e Sheriff (being the Governours near Kinsman) came to M^r Randolph (this Depon^t and M^r Charles Walker being present) and did demand of M^r Randolph the Prisoner, the sum of thirty pieces of Eight, Otherwise if he refused to give him the Money he fwo're he would put him the said Randolph into the Nasty Dungeon where he should see neither Sun, Moon, nor Starrs, which he the Prisoner was forced to Comply withall, for fear of perishing, as this Depon^t did verily believe, and this Depon^t and M^r Charles Walker, did then and there actually pay unto the said Sheriff the thirty pieces of Eight afore mentioned, And the said Sheriff did then Oblige M^r Randolph to Give from under his hand That the afore said money was not forced or Extorted from him, but y^e he the prisoner freely and voluntarily gave it to him, as a Gratuity for his Kindness and Civility,

as

as this Depon^t then understood it, And on or about the 7th of June following, This Depon^t and the Aforesaid Walker by Writt of Habeas Corpus Baile^d M^r Randolph out of Prison But he was no sooner discharged from the Officer But y^e Governour in person, came into y^e Company and did Order the Chief Justice Nelson (before whom he was then Baile^d) to committ him the Second time, for much the same Matter, as this Depon^t Apprehends, And the said Governour did then and there declare He had not done with him by Abundance, So that Back to prison M^r Randolph was Illegally hurried. That on Thursday y^e 13th of July was held quarter Seffions, and After 8 or 9 weeks close imprisonm^t M^r Randolph was brought to his Tryall, and neither a Copy of the Indictm^t, nor a List of the Jury would be Allowed him altho' lawfully Demanded by this Depon^t The Governo^r in person there Appeared declaring he was Plaintiff, and did overaw, and direct that Court, and sate there Judging Matters in his Own Case, and M^r Randolph as the worst of Crimina^{lls} was brought to y^e Barr, and he then and there desired a Copy of the Indictm^t and time allowed to Traverse the same, But the Governo^r, together with Judge Nelson, overawed the Court, and Compell'd him to come to Tryall, and the Court proceeded in their Charge against him and likewise some Affidavits (partly by force and Compulsion) Sworn unto by a Young Boy, with a Great deal of unwillingness, Then M^r Randolph desired to be heard, and was about to produce severall Papers and Orders and likewise direcc^tons from the Lords Commissioners, and to shew severall Statutes in his own Defence, But the said Governour, and Nelson would not suffer anything to be read, Neither

[REDACTED]

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Neither would they permitt him, Nor any other person to speak for him, for this Depon^t moved the Court in M^t Randolphs behalf desiring he might have the Benefitt of an English subiect But the Governour in a passion Arose up and called him Rogue, and Rascall, and threatned to lay him by the heels so that Nothing being suffered to be said, produced or urged on M^t Randolphs part, the Jury went out, and immediately return'd a verdict Guilty, upon which the Court proceeded to A fine, which was presently agreed fifty pounds, and by Order of Court was Committed to prison again, untill the same should be paid.

That about the 10th of August 1699 this Depon^t waited upon Judg Nelson on M^t Randolphs behalfe, and by his Order who Apprehended his busines, called him to some other part of America, And then proposed to him the paym^t of M^t Randolph's ffine, and other Incident Charges, after this following manner.

This Depon^t offered his Bond with good security for paym^t of the Money 4 or 5 daies after M^t Randolph had departed these Islands, who then was designed speedily for Providence, and he likewise told him the Reason that he would not pay the Money Down was because M^t Randolph was Imprisoned upon a Second Committm^t as well as for the 50^d ffine, and also that he this Depon^t had heard the Governour say That he had not done with M^t Randolph by Abundance, So that After he had paid One ffine, if he still Remain'd upon this place, he might be taken up de Novo and so never make an End of paying, But the Judges answer was, he should not be Discharged without the Money down, for the King never made any Disputed Debts for ffines



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Edward Randolph.

ffines already paied, Therefore M^r Randolph Continued a prisoner a Considerable time longer, for Cap^t Stow who brought their Excellencies the Lords Justices Order Mentioning his Discharge Arrived here the 22^d of December, And M^r Randolph was Discharged the 30th [3?] of January following.

SAMUEL SPOFFORTH.

Sworne the 31st of January 1699

before us

Anthony White

Edward Jones.

[Endorsed]

Deposition
of
Sam^m : Spofforth
CoiaMem^r from M^r Randolph,
relating to his Services &
sufferings.Rec^d 20th } June
Read 26th } 1701.Memorial of
Ed : Randolph.

RANDOLPH'S NARRATIVE OF HIS SURVEY.

*Board of Trade, Plantations General, 5 (D 49), 5 Nov. 1700.*To the R^t Hon^{ble} y^e Lords Comm^r for Trade.

A Narrative of my Survey made in some of his Maj^{ies} Coll-
onyes, & provences, on y^e Continent of America and
Islands Adjacent; Is humbly p'sented by Edward
Randolph.

May it Please y^r Lordships.

^{Nov 8th.} I saild from Cowes in y^e ship speaker Jn^o Lidston
Master.

I

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Decr 16^o

I Arriv'd at Annapolis in Maryland, The next day a great frost begun which lasted above 10 Weeks.

24^o

I gave Deputacons, with y^e Approbation of Col. Nicholson the Gov^r of the province, to y^e severall persons following

vint

To W^m Bladen, to be Collect^r at Annapolis, and Pts Adjacent on y^e Western Shore, in y^e Roome of Henry Wriothesley, who was Remov'd from that Town 20 Miles Distant to another Employm^t

To Tho: Collier to be Collect^r at Williamstat on y^e Eastern shore.

To W^m Wivell to be a Rideing Survey^r at y^e head of Sassafras, Bohema, and Elk Rivers in y^e Roome of Jn^o Thompson, To p'vent y^e Illegall Trade, Manag'd over land to & from Delaware River to Maryland; not being Distant Above 10 Miles.

To Edw^d Price to be Surveyor, & Sercher at Pocomoke in y^e Room of John Dashell at Wiccacomo, & Munni who liv'd at too great a Distance to p'vent y^e Illegall Trade Carry'd on where y^e Boundaries of Maryland, & Virginia meet.

They all Gave Good Security Approv'd off by y^e Gov^r and Sworne by him.

Jan 2^o

I then pursuant to y^e 5^o Article of my Instructions Relateing to Recompence Stanberry Master of y^e ship Two Brothers 60 Tun, and David Robinson Master of y^e ship Swan of New England who Carry'd Tobacco from Potomack to Scotland Directly; Wrote to W^m Dent Naval Officer on Maryland Side

*Edward Randolph.*

Side, and to Col. Richd Lee Naval Officer on Virginia Side of that River vigorously to prosecute their Bonds, and Seize their Ships if they Came into their Districts. But not haveing been since that Time in Maryland, I know not what has been done therein.

Jan. 1697.
11^o

I Together with some of y^e Council, Administred y^e Oath to Col. Nicholson y^e Gov^r at Battell Town upon Patuexnt River, being Sumon'd to Attend for that purpose.

21^o

I sent by my Serv^r y^e Commission, and y^e Great Seale (for y^e Administring y^e Oaths to y^e Gov^r in y^e plantaçons) To S^r Edmund Andros at James Town in Virginia not haveing time to Goe myselfe Thither, and Returne time enough of Land to be at Philadelphia to administer y^e Oath To M^r Marckham, M^r Penn's Deputy before y^e 25^o of March following as y^e Law directed. I Likewise Sent by him a Deputacon to Jn^r Washborne to be Survey^r & Sercher at Cape Charles ; Another to Sam^r Swan to be Collect^r at Paquimons in Roanoak, And another to Christopher Merchant to be Collect^r at Currituck in North Carolina, and sent Letters by him to All y^e Collectors in Virginia to put all forfeited bonds in suite.

March 2^o

The frost Brake up, So y^t with some Difficulty I went from Annapolis over y^e Great Bay to Chester.

9^o

After a Tedious Jorney I Arriv'd at Philladelphia.

17^o

I administred y^e Oath to M^r Marckham, M^r Penns Deputy Gov^r, and Demanded All forfeited bonds,
The

The Sec^y Deliv^d me (by M^r Marckhams Order) Jn^o Deplovys bond of 1000[£] (Who was Security wth Stephen Black leech) Forfeited for Carrying Tobacco Directly to Scotland; And Alsoe one other bond of 500[£] Given by W^m Clark late Collec^t of y^t province Forfeited for his not paying his Maj^{ts} Moiety of Tobacco Ship'd to the other Planta^cons.

I would have put them in Suite, & Arrested Deploy, but David Lloyd a Quaker y^e Attorney Gen^t Refused to doe itt Neither would M^r Marckham Appoint Another Person to prosecute them, As to Clarks bond, he told me I was not Impower'd to take a bond from him, and nothing should be done therein, So that findeing I could have no Juf-
tice done his Maj^{ts} I was forced to make up wth y^e other Colle^t upon as good Termes as I Could.

March 28th

He Refused to deliver y^e bonds of Sevⁿ persons which I had Discover'd were Forfeited.

Apr. 7th

I went from Philadelphia, and Administred y^e Oath to M^r Bass Gov^r of y^e two Jersies, at Bridlington in West Jersey, And then Order'd Edw^d Han-
lock the Colect^t to put in Suite W^m Rightons, & Maurice Trents (a Scotchmans) bond of 1000[£] for not produceing a Certificate from some port in Eng-
land That Divers Goods Imported by him into Delaware from Scotland had been first entred in England.

22nd

I was Directed by y^e 11th Article of my Instruc-
tions after I had Administred y^e Oath to y^e Gov^r of
Virginia,



Virginia, Maryland & Pensilvania y^e first Opportunity of wind & wheather to Transport myselfe to Bermuda, and Carolina, But y^e Swift Frigatt Orderd for my Transport being Drove out of James River in Virginia, and Run a Shore at North Carolina, & Destroy'd by y^e Inhabitants, Finding no Vessell in Philadelphia bound to either of those places I went from thence by Land to New Yorke in hopes to gett A passage from thence, and found a Bermudas Sloop newly Ariv'd that would Return in a few weeks, one Cap^t Moon Co^mander, I took my passage upon him, and Survey'd y^e Custome house books in y^t port, And Took An Acc^t of all y^e Enumerated Co^modities Imported there from his Maj^{ies} other Planta^cons; And Directed y^e Officers That none of them should for y^e Future be ship'd Off to Newfound Land, as had been y^e practice there, and in other planta^cons. There were no Forfeited bonds in y^e Office. I found a Great Trade Carry'd on from thence by y^e Dutch to Carasaw, & Madagascar. I there Discovr'd, that M^r Markham had Recēd 80£ of Timothy Asshembow M^r of Co^t. Heathcoats Brigantine Call'd y^e Loyal Factor, for his Dischargeing her without Tryall After she was Seiz'd at Newcastle by his own Warrant to Robert Webb y^e Collect^r for Takeing on board About 40 hogstids of Tobacco before bond Given, After she was brought from thence to Philadelphia, in Order to be Tryed.

May 189

I went to Amboy in East Jersey from New York & feiz'd the ship Hester of Lond^e Joshua Hubbert Master

Master for Unlivering Goods not being first Register'd, She was sometime After discharg'd by Court of Admiralty at New York where I was at charges to prosecute her.

²⁹ I was Arrested in New York by Lancaster Symes for Seizing and prosecuting y^e Barke Elizabeth of Berwick, Jn^o Edmiston Master at Potomack in Virginia for produceing a Forged Certificate, and Taking Sev^e hogſids of Tobacco Aboard before Bond Given. I was put to charge to defend myſelfe at New-york.

³⁰ I went from New York to Sea towards Boston.

³¹ I Ariv'd at Road Island Where Rob^t Gardiner was Deputy Colect^r Under M^r Brenton, I took an Acc^c of All Enumerated Comodities Imported, And Directed him a Method how to keep his Books.— They plant Tobacco there.

³² I Came by Land to Boston where Lawrance Hamond was Deputy Collect^r under M^r Brenton, & Ralph Harrison Comptrob^r. I took an Acc^c of All plantaçon Goods Imported, And found by an Acc^c from Cap^t Hamond, That from y^e 12th of April to y^e 14th of July, 14 Vefels Enter'd out from Boston to Newfoundland.

Ditto. During my being there, a Tryal was had of a Seizure of Goods by M^r Brenton belonging to Cox Shrimpton, & M^r Serjant one of y^e Councel, Who sat Judge upon y^e Bench whilst his own cause was Tryed.

I am Lately Inform'd that Major Waite Winthrop



throp one of y^e Councill at Boston a Practicion^r in Physick is A^pointed y^e Judge of y^e Court of Admiralty Instead of M^r Nathaniel Byfeild Who is Strict for y^a Observa^con of y^e Acts of Trade, And had therefore a Comi^ssion Under y^e Great seale of y^e Admiralty Sent him for that place, Besides Maj^r Winthrop is y^e Proprietor of Elizabeth Island, from whence y^e Tobacco brought thence from Virginia is Carry'd to Scotland; And Alsoe that Hugh Shannon a Great Promoter of y^e Illegal Trade is made y^e Naval Officer. So that now All Matters, Are Contriv'd for Carrying on y^e Illegal Trade there wth security, Several of y^e Memb^r of y^e Councill being cheifly Concern'd therein.

June 29

I went to Salem where Benjamin Gerith [Gerrish] was Deputy Collect^r under M^r Brenton, and took an Acc^r of planta^con Comodityes Imported there.

150

I went to y^e province of New hampshire Pheasant Estwich is y^e Deputy Collect^r und^r M^r Breton from whence Likewise they Trade to Newfound Land. I took a Copy of Nicholas Fallets bond Master of y^e Sloop Mary, & W^m Partridge Esq^r Leiv^r Gov^r of New hampshire his Security of y^e 1st of Aprill 1698. of 1000£ Forfeited for Carrying Sugar, & 15 tñds of Tobacco to Newfound Land, and not produceing a Legall Certificate to Discharge it.

160

I went from Boston by Sea to New Yorke that I might see All y^e Islands Lying 2 or 3 Leagues off Road Island where are good Harbours, and small Vessells bring thither Tobacco from North Carolina

Virginia

Virginia &c. Which is put On board Ships bound for Scotl^d Holland & Hambro, who there dispose of their Cargoes of Scotch Goods, Hollands Duck, & Cordage &c. They are Nantucket & Marthas, or Martins Vineyard being Indifferantly well Inhabited, and Elizabeth Island belonging to M^r Winthrope at Boston hath some Inhabitants, Fishers Island About one League off y^e Mouth of New London River that belongs to Col^t Fitz Winthrop then y^e Gov^r of Conneticot Colony, There is but one House upon it, The more Convenient to Conceale prohibited Goods. I went on shore and found some Small pieces of packing Cloath, and Color'd Calico in y^e house where Sev^r packs of East India Goods had been kept, and Remov'd from thence to Boston of which Cap^t Culiford Comand^r of his Maj^{ies} Frigott the Fowy who had a Deputa^con from me can fully Relate.

July 1^o

I Arriv'd at New Yorke.

Moon y^e Mast^t of y^e Bermuda Vessell had taken in a Great Quantity of East India Goods at New Yorke, & would not let me have a Passage upon him to Bermuda.

1^o

M^t Coker Collect^t of y^e Customes, at Amboy, & Comptroller at New York dyed there.

I then Deputed Cha: Goodman, Collect^t at Amboy, and Tho: Palmer Comptroler at New Yorke.

1^o

Finding no Likelyhood of a Passage to Bermuda I apply'd to y^e Earle of Bellamont for his Order to Cap^t Culiford to Cary me Thither in y^e Fowy Frigott



gott so soon as he was Return'd from Road Island.
His Lordshp Accordingly gave me his order, But
she was Directed to Returne forwth to England by
Order from y^e Admiralty.

¹⁹⁸ I went to Philadelphia, & preſſ'd M^r Markham to
Apont a Court for Tryal of Deplovys bond, But
'twas Deny'd.

I then propof'd y^t y^e Coſmission for Adminiſtring
y^e oath to y^e Gover^t of that province might be
Lodg'd in the hands of the person firſt Nam'd in y^e
Coſmission But that Could not be Obtain'd, Some
Little time after M^r Penn Sent a New Coſmiſſion to M^r Markham then y^e Gov^r, to be Liv^t Gov^r
of y^e province, He was Sworne by a Few of y^e
Councill being Quakers, and one of y^e Commⁿ: M^r
Bewley y^e Collect^r being pſent.

²⁰⁰ I was then Affronted by Patrick Robinson y^e
Secry of the province groſly, For ſaying in my
papers to y^e R^t Hon^{ble} y^e Lords Committees of y^e
house of Lords, That he was a Scotchman.

²⁰² I Went to M^r Markhams house, & Enquired
whether M^r Penn had Sent him his Majties Order
in Councill Approveing him to be y^e Liv^t Gov^r of
that province, before his Entering upon y^e Governm^t
he told me 'twas not my businesſ to ask that Queſ-
tion, He then Demanded of me Deplovys &
Clarks bonds which I had left wth Co^t Quarry to be
pſecuted So Soon as y^e Court of Admiralty ſat, He
Comitted me to y^e Custody of a Conſtable, & Threat-
ened to keep me in prison till he had the bonds in
his

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his keeping. Whereupon being Unwilling to be Stop'd my Jorney to New Yorke I sent to Co^t Quarry for y^e bonds who deliv^d them to him, and I was at Liberty.

Augst 20

I Arriv'd at New York from Philadelphia.

4^o

I Seiz'd 9 tñds of Tobacco newly Landed from Philadelphia Some whereof Weigh'd Above 750^t because they had not paid y^e full Duty, I gave y^e Collect^r Notice of it, and Directed him to be Strict in y^e Weight of Tobacco Ship'd from y^e Planta^cons.

Sept. 29^o

Haveing Notice that M^r Massey y^e Collect^r of Lewis dy'd y^e 13^o of August 1698, I Gave a Deputa^con to Edw^d Price dated the 29^o of Septem following to be Survey^r & Sercher of his Maj^{as} Customes at Lewis Including y^e small Rivers of Mother Creek ; Dover, & Duck Creek where is not Above 6, or 7 foot at High Watèr, To p'vent y^e Shipping Off Tobacco from y^e Three Lower Countyes of Newcastle, Kent, & Suf^ssex untill y^e Mast^r had enter'd, & Clear'd his Vessell at y^e port of Newcastle. And none to be ship'd Off at Lewis, That y^e Tobacco Sent to y^e Planta^cons might be weigh'd before it was put on board ; It haveing been a Com^mon practice for Masters of vesels after they have clear'd wth y^e Collect^r at Philadelphia to Lye at Dover, or Some other Creek, and have y^e Tobacco brought, on board them in small boats as was practiced by Gustavus Hambleton & others.

30^o

I Seiz'd y^e Sloop Flying horse of Antegoe, Caleb Peck Master for Importing 10000 W^t of Sugar into New



New Yorke and not produceing a Certificate That bond was first Given. But upon y^e Masters produceing a bill of Store from Rich^d Buckridge y^e Collect^t I did forbear to psecute him.

Nov^r. 4^o
1698. Being very Lame I left New York, and went in a small Sloop to South Carolina.

Nov^r. 28^o I Landed at South Carolina.

Dec^r. 12^o I Gave a deputaēon to Jnothan Amory to be Comptroler in y^e Roome of Tho: Price who dy'd in Maryland Feb^r. 1697.

13^o I Administred y^e Oath to M^r Joseph Blake y^e Gov^r.
27^o I Deliv'd y^e Coṁission, under y^e Great Seale of y^e Admiralty to M^r Joseph Mourton to be Judge of that Court in the province, He was then Sworne, M^r Tho: Cary Apointed y^e Register not being Qualify'd for that Trust (as y^e Gov^r and M^r Mourton told me) and Rich^d Bellinger the Marshall being Dead, I wrote to Co^t Nicholson Gov^r of Virginia, and Recom̄ended Jn^o Beresford to be the Register Instead of M^r Cary, and Edw^d Rawlings the Marshall in Bellingers place, But Nothing was done in it when I was last there, Besides Rawlings is Dead, And I did Intend to Get Jn^o Collins y^e p'sent Marshall to be Confirm'd by Co^t Nicholson's Coṁission who is Impower'd by his Coṁission to fill up the Vacaneys in y^e Court of Admiralty in Carolina.

Jan. 13^o So Soon as I Arriv'd pursuant to y^e 9^o Article of my Instructions, I Enquired into y^e Matters Complain'd of in M^r Peter Jacob Guerards Letter to y^e Commⁿ of y^e Customes, Agst M^r Jn^o Archdale y^e late Gov^r

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Gov^r and M^r Tho: Cary his Deputy or Se^rvy of y^e province for Encouraging, & Countenanceing Illegal Traders in that province, And upon Examinaⁿon of sev^{ll} persons upon Oath Sworn before M^r Bellinger who was Impower'd Specially by y^e Gov^r to that province.

I finde y^e Matters therein Charged About their Entertaining and Countenanceing Simon Tristant M^r of y^e Sloop Success of S^t Thomas (a Frenchman) Fulley prov'd, As alsoe y^e Sev^{ll} Articles Exhibited Against him Relateing to his Consent of y^e Sale of the Whole Loading of Sugar from Jamaica by — Day Maſt^r of y^e Ship Kent of Bristol, And That M^r Guerard was at Great Charges in prosecuting Tristant & others for which he had no allowance.

I Did Likewise pſuant to y^e 4th Article of my Inſtru^cons Relateing to y^e Seizure of y^e Sloop Success of New York Peter Jollins Maſt^r made by M^r Guerard at Carolina for not being Navigated According to Law, Examin all y^e Allegaⁿons on both sides, And Did finde that y^e Negro Boy Jack was ſent Tither for Marchandizes, And thereupon on Jollins Securitys bonds were by y^e Gov^r Blakes Advice Deliv'd up.

Jan. 24th I then gave a Deputaⁿon to M^r Tho: Broughton to be Collect^r at Carolina in y^e Room of M^r Guerard who was Unwilling to Serve any longer in that Office.

1699. Mar. 27th I fail'd from Carolina to Bermuda.

Apr. 4th I Landed & Waited upon Gov^r Day, & Acquainted



quainted him That I had brought a Comission Directed to myfelfe, and others to Admin: to him an Oath for his true Observeing y^e Acts of Trade, He told me he was Sworne by a Dedimus (which he Show'd me) Directed to some of y^e Company he Carry'd over with him before he Enter'd upon y^e Governm:

I went to see M^r Trott y^e Collect^r books, He was full of pain by an Inward hurt he Got whilst he was made prison^r by Col. Godderds Warr^r, and turn'd out to Get his Nephew Brook to be Collect^r in his Roome, His Books (by his Often Imprisonm^r were out of Order, I Directed him how to keep them for y^e Future.

I was About that time Inform'd by M^r Trott, That Isaac Richeir Esq^r late Gov^r of Bermuda was part Owner of y^e Sloop Succes of Bermuda with Jn^r Devereux, Comand^r & pt owner and Carry'd on an Illegal Trade wth Devereux to Scotland &c. Which at my Second Arrival in Bermuda I found fully prov'd.

152

I put my Necessaries Aboard a Brigantine bound to providence Intending to Returne upon her in a Little time to Bermuda, The Merch^r haveing promis'd me to stay 3, or 4 Dayes till I had Dispatch'd, But Fearing to be Stop'd he went away without my Notice, and Carry'd with [him?] Sevⁿ of my Things.

153

I Deliv^d y^e Comission for Administiring y^e Oath, and alsoe the Comission for y^e Gov^r of Bermuda to Appoint

169. Appoint Officers in the Court of Admiralty when wanting, To M^r Minors the Se^cry, as by his Receipt Appears.

Apr. 28^o. I had my Deputa^con Recorded, and would Likewise have had y^e Third Article of my Instruc^cons (Impowering me to Appoint Officers in case of V^ancyes) to be Registred, But y^e Gov^r (then in y^e Se^crys office) would not Allow it to be done after he had puf'd it, Saying his Maj^{ie} had given y^e Gov^r of Bermuda power to place, & Displace Officers of y^e Customes as they pleaf'd. 'Tis what has been done to M^r Trott by S^r Rob^r Robinson & by his Successors, To his damag'd, [damage] And Greater Difservice to y^e Crowne.

May 8^o. I was Inform'd by M^r Trot that Gov^r Day had given Leave to John Waterland Mast^r of y^e ship, John and Hannah of Hull (Who Arriv'd in January 1698) to Unliver without Entry with y^e Collector

I Examin'd y^e Naval Officers Book, But found noe Entry of that Vessell made with him; He told me That it was the Govern^r please it should be foe; But it Cost y^e Mast^r in p'sents & Money 30£ before he could get out.

M^r Trott y^e Collector dyed.

19^o. I Deputed M^r Sam^r Spoferth to be Collect^r in his Roome, and went with him to be sownr by the Gover^r, But we were both Treated with Bitter & Revileing Language.

20^o. I was Sent for to Appear before the Council, and Sent from thence a prisoner to y^e Com^{on} Goale Where



Where I was kept Above 32 Weeks under Strict Confinemt:

June 8th

I mov'd by Habeas Corpus for my Liberty which was granted upon my being bound by Recognizance to Appear at y^e Next County Court, and paid my fees, But I was presantly Committed to Goale by a New Warrant from M^r Nelson y^e Cheife Justice.

The Sloop S^t George of Bermuda Dan^t Johnson Jun. M^r from the Leeward Islands was Seiz'd Part of her Loading of Scotch Linnen &c. was Embezill'd by y^e Goverⁿ, & M^r Brooks y^e Collect^r before Tryal, And afterwards the Goods (Which y^e M^r pd at first Cost about 872 \mathcal{L} besides y^e Sloop worth Above 300 \mathcal{L}) And y^e sloop were Apprais'd at 450 \mathcal{L} 10 \mathfrak{s} By which means his Maj^{ties} 3^d part there (as lately at Carolina by M^r Blake the Govern^r) came but to little.

1699
July 13th

I Appear'd According to Recognizance at y^e County Court And was fin'd 50 \mathcal{L} , and Committed to prison, There to Continue till I paid y^e fine.

Sept. 7th

I then Recēd a Letter of y^e 17th of Oct. 1698. from y^e Commⁿ of y^e Customes under y^e Earle of Belamonts Cover by y^e way of New Yorke.

Decr. 7th

Upon my Petition to y^e Court of Assizes, & Goal Delivery for a Habeas Corpus to be brought into Court, To make Answ^r to what I was Charg'd withall, Instead whereof I was Discharg'd from my Imprisonm^t by M^r Nelsons Warr^r But Continued a prison^r for y^e fine of 50 \mathcal{L} .

22^o I Recēd their Excellencies y^e L^{d^r} Justices Order in

[REDACTED]

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in Council Dated at White Hall 20^o of July 1699
and alsoe a Letter from yo^r Lord^sps for my En-
largm^t But y^e Goverⁿ would do nothing in it till his
Council met.

Jan. 1^o The Council met, but because 't was Holly day did
nothing.

2^o They met, and after much Consultaⁿ About y^e
fine of 50^L they sent me a Discharge by their Secry,
Directed to M^r Crane y^e Sheriff.

3^o After pressing upon me for his fees, & Security
for y^e 50^L Seeing I would do nothing in it he
Releas'd me.

I That day Seiz'd y^e Sloop Borecatt, als y^e Pruden
Jane als y^e blessing of Which y^e Goverⁿ was a 3^d p^t
owner for Ca^rrying Tobacco from Bermuda to Caro-
lina directly.

4^o I Exhibited an Informaⁿ in y^e Court of Admir-
alty Against her.

Upon y^e Petiⁿon of Crane, & Gilbert y^e Def^t: y^e
Court sat M^r Nelson being Judge there she was
Clear'd, Because (Tho' I prov'd y^e Tobacco on board)
I could not make Appear That it was put a Shore
at Carasaw, I thereupon Appeal'd and it was
Granted, But y^e Judge Refus'd my Motion, That
the Def^t: should give Good security to pay y^e Value
of y^e Sloop & Charges in case y^e Judgm^t was
Revers'd.

5^o Instead whereof he Granted Execution Ag^t: my
Goods for y^e Charges, Tho' y^e Court was Call'd at y^e
Instance of y^e Defend^t:



Mar. 1699.

I Sail'd in a sloop from Bermuda to Providence
But in less than 4 hours we Run upon y^e Rocks, and
Sprung a Great Leake, The Wind p'venting our
Getting into a harb^r besides y^e Mast^r would not goe
into a harbour for fear of being stop'd by y^e Gov^r for
fees, So that we Pump'd y^e whole voiage, nigh 300
Leagues for our Lives, Till it pleaf'd God we Arriv'd
at Providence.

10^o

I Landed at Providence where we found out y^e
Leake.

11^o

I Administred y^e Oath to M^r Read Elding The
Deputy Govern^r by Deputa^con from Co^t Webb the
late Gov^r only. He is by some Charg'd with piracy
Comitted upon a Brigantine of New Engl^d bound
from Jamaica to Boston with money &c.

Apr. 1700.

Upon his Informeing me that y^e Sloop W^m of
Providence (Which not long before brought in a
Rich Cargo of East India Goods from S^t Thomas,
and Clear'd by a Pack'd Jury) Rich^d Birchett Mast^r
was Gon to y^e Islands to Load Brazilett before boond
Given; And findeing M^r Graves y^e Collect^r in Great
Friend Ship, with M^r Lightwood pt owner: I de-
puted M^r Tho : Walker (a Man of Good Estate in
Providence) To be Survey^r & Sercher &c Directing
him to Seize her, Which I Since hear he did Ac-
cordingly, But she was Clear'd by y^e Govern^r
Favour.

12^o

Being well Inform'd That Jn^o Warren Mast^r &
Owner of y^e Brigantine Happy Returne of Prov-
idence had not long before taken 80 hogf^shds of
Sugar

Sugar Aboard at S^t Christophⁿ And Carry'd them Directly to Carasaw where they were put Aboard a Ship bound to Holland, I forthwith gave Notice thereof to Co^t Norton the Gov^r, and alsoe to M^r Meerse y^e Collect^r That Warrens bond might be forthwth prosecuted, Desireing M^r Meerse to give an Acc^t to y^e Custome house what he had done therein y^e next Oppertunity That Sugar not being Landed at Providence as by Warrens p'tended Certificate sent M^r Meerse from thence to discharge his bond.

Apr. 9^r:

The Collect^r Deliv^d me his Acc^t of y^e Dutyes he has Re^ced on Brazelett and Cotton ship'd from thence to y^e planta^cons.

14^r:

I sail'd in a very Small Sloop from Providence to Exuma Lying in 23, & 30, N: Lat: Distant 60 Leagues from providence The Inhabitants Cut Brazelett there, and on y^e Neighbouring Islands a Great part whereof is Carry'd Directly to Carasaw Yearly.

28^r:

I sail'd from Exuma to South Carolina 200 Leagues from Providence.

May 10^r:

I Arriv'd at Carolina haveing Narrowly Escap'd y^e Pyrates being not Above 7 or 8 Leagues to y^e Southw^d of y^e Harbour that day we gott in.

I sent from thence by a vessell bound to Boston to all y^e Collect^r on y^e Continent to make a particular, and Exact Entry of all Enumerated Comodities Imported into their Respective Districts from any of his Maj^y's other planta^cons, and sent them a Copy of

of y^e Specimen hereto Annex'd, Makeing thereby one Colle&t to be a check upon another.

319 I had much adoe to Get y^e Acc^t Current of the Cole, and Bean Gally from M^r Blake y^e Govern^t: He sent me y^e pticular Acc^t Āmounting to 461. 5. 0 $\frac{1}{4}$ Containing very Extravag^t Articles of Charges, That in case y^e Judgm^t Against her should not be Reverf'd his Maj^{ies} 3^d will come but to a very Little, According as he has practic'd in other Seizures. For y^e Gov^t Obliges y^e Collect^r to give him Security to pay his Maj^{ies} 3^d pt of y^e charges before they Receive any pt of them. I Demanded of him $\frac{1}{2}$ of 80£. which he got of W^m Joell Mast^r of y^e Sloop Succes of Bermuda upon a Clandestine Composi \tilde{n} on Haveing Seiz'd his Sloop because she was not Register'd, But he told me I ought to have it of y^e man, Joel pd y^e 80£ to. He Likewise Caused y^e Sloop Joseph (now a Brigantine) of Carolina, Anthony Mathews Mast^r from Guinny to be feiz'd Under a p'tence she was not Register'd, But upon y^e owners promiseing him 50£ he took off y^e Seizure $\frac{1}{2}$ whereof is due to his Maj^{ies}.

1700. He Put M^r Nicholas Trott out of his Naval Officers place Tho' Approv'd off by the Comm^t of y^e Customs And has given good security at the Custome house for his Fidelity, and put in Another who is a Great Dealer, & his Intimate; He would not Alow the Legal Collect^r to Officiate because [he] was not Qualify'd by an Oath, Yet Continu'd his own Collect^r in y^e Office, tho' he
was

[Redacted]

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was not sworne, nor had Given bond as y^e Law Requires.

June 20th

I left y^e officers Easy for y^e presant Tho' not long before y^e Gov^r Threatned to displace them, if they did not clear such vesels as he Directed.

Findeing no Opportunity of Goeing from Carolina to Virginia (as I always Intended) I went to Bermuda in hopes to get a passage from thence not haveing as Yet Visited Virginia nor North Carolina where M^r Marchant y^e Collect^d at Curretuck dyed in Novem. 1698. and another man is wanted there.

July 10

I Ariv'd at Bermuda where findeing no Likely-hood of Getting from thence to Virginia till next spring (And that by Accident) They haveing pleanty of Indian Corne I took y^e present Opportunity of the ship Mary-Gold bound to England Directly, In Order to Get to Virginia before the Winter sets in upon that Coast, Or otherwise Where and When, as to y^r Lord^sps shall Seem most Necesssary for his Majst^{es} Service.

I Rec'd a Letter from y^e Custome house of y^e 21^o of July 1699. by way of Guinney & Jamaica by Cap^t Kempthorn under Cover from S^r W^m Beefton.

I was taken in Execution for 164 1: o^d for y^e Charges of y^e Court of Admiralty For Trying y^e Sloop Blessing, — Notwithstanding my Lawyer had shew'd M^r Nelson that Clause in 14^o Car. 2^o whereby y^e Officer may plead y^e Gener^d Issue, and y^e Court is Enjoyn'd to Allow y^e same before the Execu^don was Deliv^d



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Edward Randolph.

Deliv^d to the Sheriff; Yet I was forc'd to pay y^e Money, The Judge Saying he would take no notice of itt.

No^{br} 5.
1700.

All which is humbly Submitted by
ED. RANDOLPH.

[*Endorsed*]

Plantations General.

M' Randolphs Narrative of his Survey in
the Plantations on the Continent of America and
the Islands Adjacent from the 8th Novem^r 1697
to the 1st July 1700.

Recd Novemb^r y^e 6th 1700.

PAPER OF RANDOLPH; LOSS OF REVENUE FROM TOBACCO, &c.

State Papers, Board of Trade, Plantations General, Vol. 5, D. 48, 5 Nov. 1700.

To the Right Hon^{ble} the Lords Commⁿ for Trade.

A Paper Humbly presented, Shewing the Great Loss of [sic]
his Maj^{:s} sustains in the Revenue of his Customes upon
Tobacco, Carryed from his Maj^{:s} Plantations on the Con-
tinent of America to his Maj^{:s} other plantations where far
greater Quantities are Yearly Imported than the Con-
sumption of those places Require from whence a Great
part thereof is Carryed to New found Land, Scotland &
Directly as also some Proposalls for preventing the same
for the Future.

North Carolina. The Inhabitants of that place, And
those who Live upon the Southern Bounds of Virginia
Adjoyning to the Inlet of Carrituck (where is no settled Offi-
cer of the Customes) Run there Tobacco Aboard small
Vessells,

Vessells, there not being Above 8 foot at high water, & a Bard [barred] Harbour) and Carry it to New England New Yorke &c: Or Land Great part of it at Martins Vineyard, or at Elizabeth Island where it is Housed, not paying the Collect' if they are Discovered above $\frac{1}{4}$ of the Duty of the 1 penny p pound Sterl: as by the 25 of Car: 2 is Enacted, Taking English Goods, or Rum, and Sugar at 50 \pounds or 60 p Cent in Lew of the Duty the Generallity of the people Live Cheifly upon the planting Indian Corn & Raising Stocks of Hogs & Cattell which were Carryed to the Leward Islands But since Tobacco has been in Demand at home, The Agents of the pensilvania Company have Encouraged those whe live about Albemarl River, to plant Tobacco, which they have Accordingly done & they sent Cap: Cole in a Vessell belonging to London to Carry it thether, But he Finding but 8 foot at High water at the Inlet of Roanoak, and the Cannell very Uncertain would not Venture in but went Directly to Take in a Loading at Virginia, So That the Tobacco planted in that province cannot for that Reason be Brought to England but Carryed in small Vessells to New: England &c., therefore planting Tobacco there, is by all means to be prevented Besides on [one] Henderson Walker (A pretended Quaker) succeeds Tho: Harvey the Late Deputy Gov: He is not Approved of by the Lords proprietors, And (as in many other Respects) a very unfitt man to govern:—

Virginia & Maryland. It has been the practice of some of the former Collect' who were great planters, And had one Moity of the Duty of all the Tobacco Carryed from thence to



to his Maj^t Other plantations for their Collecting for his Maj^t the Moity, To Abate the Ma^r about $\frac{1}{2}$ of their own Moity, provided they would purchase their whole Loading of them, Sometymes Coniveing at their short Entries — As I Discovered in the Colle^tn Books at Potomack in Maryland he Charged himself with his Maj^t Moity of the Duty of 18 h^{ds} of Tobacco paid Tho: Smith Ma^r of the Sloop Success of Bermuda, when As it Appeared by the Books of the Lord Baltamores Receiver that Smith had paid him for 80 h^{ds} that Voyage, which he Carryed Directly to Glascoe I likewise found in the Lower District in James River that A Ma^r of A Vessell who had Loaded 100 h^{ds} of Tobacco: for some of his Maj^t other plantations paid the Collect^t one other 100 h^{ds} of Tobacco for his Maj Duty: which Cost not above 2 p Cent.

Pensilvania And the three Lower Countyes on Delaware the Scotch Merch^t [Merchants] and Others, Inhabiting that province used to Carry there Goods, out of Delaware Over Land to the heads of Sassafras, Bohema, and Elke Rivers in Maryland, where they purchased Tobacco, And paid no Duty for it Carrying it the same way to Delaware, and shipped it aboard Vessells which Lay Ready to Receive it 40 miles below the port of New Castle which was Carryed Directly to Scotland, As did Gustavus Hamilton &c. since the Time I was first at Pensilvania, There being Little Tobacco planted in those 3 Lower Countyes (as M^r Pen did About that time Aver) But upon his Comeing to Pensilvania the Inhabitants of Kent & Sussex Countys have planted Vast Quantities, And severall familys are Lately Removed
therer

whether from Maryland, which Encourageth their planting, there has within these 2 Last Years been About 370 h̄ds Carried from thence to his Maj^e Other plantations.

Now for the Better and more Certain Discovery of the True Quantity of Tobacco Yearly made in his Maj^e plantations on the Continent.

Tis Humbly moved That it may be Recommended to the Gov^r of all those plantations (as an Acceptable Service to his Maj^e) that they Strictly Command the Sheriffs for the time being of every County in their Respective Govern^r Ex Officio to Demand of every one of the Inhabitants in the month of April an Acco^r of every h̄d of Tobacco he made the precend^t Crop and to Return the same to the Govern^r which with a Duplicate thereof the Govern^r is likewise to Transmitt to the Comm^r of his Maj^e Customes.

New England as to the Illegall Trade in those Colloneys & provinces I find that Notwithstanding the Letters from the Com^r of his Maj^e Customes, to all the Gov^r of his Maj^e plantations on the Continent Directing them to be very Vigilant to prevent the Carrying Tobacco or any Other Enumerated plantation Cōmodities to New Foundland, Yet great quantityes are Yearly Carryed from new London and Other ports in the Colony of Connecticut; (Where is no setled Officer of the Customes) Cott In^r ffits Winthrop one of the Owners of Fishers Island (Where severall Bailes of Goods from Madagascar were Housed) Is Gov^r of the Colony, M^r W^r Partridge a Milwright is the Leiv^r Gov^r of the province of New Hampshire, He Sent About Two Years Agoe



Agee 15 h̄ds of Tobacco, And 600 Weight of Sugar to New found Land from that province as did Others, but the Merch^t [Merchants] in Boston now Exceed them in that and all Other prohibited Trade, the Cheif of the Councill being Concerned therein.

There were Cleard at the Custohouse 14 Vessells from the 12 of Aprill 1698 to the 20th of May following for New found Land, Whereby that Island is made a Staple of all European, and Plantation Cōmodities.

Proposialls Humbly Offered for the more Effectuall preventing the great and Increasing Loss to his Maj^t in his Customes on Tobacco by the Yearly Exportation thereof from his Maj^t plantations on the Continent of America to his Maj^t Other plantations in Far greater quantytes than the Consumption of those places do Require.

1. That Tobacco be [not?] hereafter Exported from any of his Maj^t plantations on the Continent to any of his Maj^t Other plantations, Nor Shiped in order to be Exported Otherwise than in Cask, Chest or Chase only None to Weigh Lefs than 250 Neat under the penalty of — &c. As is Enacted &c., And under the Like penalty to be Recovered in the Courts of Record &c, In any of his Maj^t plantations where such Offence is Comitted or where the said Tobacco, or any part thereof is Imported & In the Act for Laying further Dutys upon Sweets &c. and for the preventing Abuses in the Importation of Tobacco.

2. That no planter or March^t shall be hereafter a Collect^r of his Maj^t Customes in any of the said plantations, But that persons

persons of Known and approved Abilitys be made the Officers in those Districts where is the greatest Trade and Requires the Great [greatest] trust & care.

3. That no Collect^r doe henceforth Grant any Bills of Store for any Tobacco Carryed from the said plantations, und' the penalty of paying — for every pound of Tobacco for which he Granted the Bill of Store.

4. That all the Collect^r of his Maj^a Other plantations doe forthwith provide themselves with a Good Beam, Scales, And Weights or Stillyards in pleaces where no publick Weigh Hous-es are, and do Carefully Weigh all Tobacco So Imported as Also Other the Enumerated Cōmodities before he permitt any of it to be Carryed away or Housed and that they Enter the weight thereof in a Book provided for that purpose and Transmitt it Twice every Year to the Comm^r of the Customes According to the Specimen Hereto Humbly Annexed under penalty.

5. That No Navall Officer shall Take a plantation Bond until the Collect^r in that District has Certifyed his Approbation of the Security in writeing under his hand, Neither Shall he discharge any plantation Bond upon a Certificate, produced to him for the discharge thereof Either from England Wales, &c., or from any other of his Maj^a plantations, untill the Collect^r has likewise perused & Approved thereof.

6. That no Navall Officer shall Accept of any Inhabitant Tho' of a good Estate to be Security with any Ma^r of a Shipp or Vessell who at the same Time stands bound with Another Ma^r till the first Bond be Discharged by a Legall Certificate.



7. That every Navall Officer doe once, or Oftner every Year Return all plantation Bonds with the Certificates Annexed, which were produced for their Discharge, And also all the Certificates produced to him for Vessells, which gave Bond in England &c., to Return to England &c. only into the Secretary's Office in Each Goverm^t who is to be Strickly Charged, with the Safe Keeping of them And that the Collect^r take Care that the Attorney Gen^r! Do Vigorously persecute all plantation Bonds so soon as they shall become forfeited.

8. That no Navall Officer shall take a plantation Bond of any Ma^r of A Vessell belonging to England, Wales or Ireland to Load Tobacco Except for a New Shipp Built in the Country And her first Voyage Until he produce a Certificate from the Officers of some Custome House in England &c. That he has there given Bond according to Law.

9. That no Master of a Vessell be permitted to Clear upon Oath untill he has Received a true Acco^r of her Loading, from the mate, or Other persons who Stowed the Vessell It has been Accustomed for the Ma^r not to take the mates Acco^r Till he had Cleared in all the Offices and Sometimes not till they were under Saile: That all Ma^r of Vessells Comeing into any of his Maj^r Plantations on the Continent of America do Load & Unload at the places Appointed by the Respective Goverm^t to be the only ports in the Said plantations & not Else were under a Penalty.

10. There has been from Aprill 1698 to Aprill 1700 Above 370 h̄ds of Tobacco, Carryed from Philadelphia to his Maj^r Other plantations And in as much as the greatest part of

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fish Aboard in New found Land only to Colour their Frauds:

Its Humbly proposed that every Ma^r Bound from any of his Maj^r plantations with provisions to New found Land shall before his takeing any provisions Aboard give Bond of 1000£ with Sufficient Security to the Govern^r or his Navall Officer in the port where he Loads any provisions with Condition that if he Load & Carry from thence any of the Enumerated plantation Comodityes to New found Land or Import any goods or Merchandise of the production or Manufacture of Europe from that Island to any of his Maj^r plantations that upon proof thereof the said Bond shall be forfeited One Moity to his Maj^r &c., the Other Moity to the Ma^r or any of the Seamen belonging to the said Vessell in Case the said Ma^r or any Two of the said seamen do within — Months after his or their Arrivall inform thereof to any of his Maj^r Iustice of the peace or to any Officer of the Cus- tomes in the port where the said plantation Cōmodities were Loaden or were [where] they were Unlivered:

The Comm^r of his Maj^r Customes have procured severall Acts to be passd for the Better Regulating the Trade & securing his Maj^r Customes in the plantations which notwithstanding are taken Little Notice of in the proprieties where the Illegal Trade is Carryed on more than formerly, And will Increase Till all the proprieties, are brought under his Maj^r Immediat Govern^r and untill I Can Arive In Vir- ginia, To take Care that the severall new Collect^r Wholly unacquainted with their Busness be Directed, how to per- forme the great Trust Reposed in them.

Proposalls



greater Quantities of Tobacco Yearly made and Carried out of Delaware then at the Time when the orders were Obtained for a Frigott to be sent to Cruise there, That the former ord^t may be Renewed, & that the Frigott now Ready in Maryland may be ordered Accordingly.

Now since the Inhabitants of his Maj^t Other plantations will not Content themselves with being supplyd with Tobacco for their own use, free from all Other Customes saveing the Duty of 1^d p pound Whilst his Maj^t Subjects in this his Maj^t Kingdome of England doe pay great Customes and Impositions for what is spent here But have Contrary to the severall Acts of Trade & Navigation Carried Yearly great quantities thereof to New found Land, Scotland &c. To the Great Diminution of his Maj^t Customes :

Its Humbly proposed that a Duty of one penny p pound more be Laid upon all Tobacco Exported from his Maj^t plantations on the Continent of America to any of his Maj^t Other plantations to be paid by every Ma^r of A Vessell bound therewith Tobacco to the Collect^r in money Sterl^t: before he take any Aboard, As is Enacted in the 25: Car: 2. and that all Govern^r & Collect^r of the Customes in the said plantations on the Continent be Required to see the same strictly Observed:

And Lastly for preventing Ma^r of Vessells from Carring Tobacco Sugar &c. from Boston and New Hampshire & Also from any Other of his Maj^t plantations to New found Land under pretence of Supplyng that Island with provis^tions and likewise from makeing their Returns in wine, Brandy, Silks, and the Manufacture of Scotland, takeing fish

fish Aboard in New found Land only to Colour their Frauds:

Its Humbly proposed that every Ma^r Bound from any of his Maj^r plantations with provisions to New found Land shall before his takeing any provisions Aboard give Bond of 1000£ with Sufficient Security to the Govern^r or his Navall Officer in the port where he Loads any provisions with Condition that if he Load & Carry from thence any of the Enumerated plantation Comodityes to New found Land or Import any goods or Merchandise of the production or Manufacture of Europe from that Island to any of his Maj^r plantations that upon proof thereof the said Bond shall be forfeited One Moity to his Maj^r &c., the Other Moity to the Ma^r or any of the Seamen belonging to the said Vessell in Case the said Ma^r or any Two of the said seamen do within — Months after his or their Arrivall inform thereof to any of his Maj^r Iustice of the peace or to any Officer of the Cus- tomes in the port where the said plantation Cōmodities were Loaden or were [where] they were Unlivered:

The Comm^r of his Maj^r Customes have procured severall Acts to be passd for the Better Regulating the Trade & securing his Maj^r Customes in the plantations which notwithstanding are taken Little Notice of in the proprieties where the Illegal Trade is Carryed on more than formerly, And will Increase Till all the proprieties, are brought under his Maj^r Imediate Goverm^r and untill I Can Arive In Vir- ginia, To take Care that the severall new Collect^r Wholly unacquainted with their Busness be Directed, how to per- forme the great Trust Reposed in them.

Proposalls

Proposalls more Generall Humbly Offered for Regulating
the Trade in All his Maj^e plantations on the Continent
of America, & also in all his Maj^e Islands in the west
Indies :

1. That no Govern^r or Leiv^t Govern^r in any of his Maj^e plantations shall be an owner or part owner of any Shipp or Vessell, Nor shall trade or Barter by himself, or by any person Concernd Directly or Indirectly for him under the Loss of his Govern^r:
2. That the Govern^r &c. in the said plantations doe Return a List of all Shipps and Vessells and of all plantations Cōmodities Exported from thence And Also Attested Coppys of all Bonds taken by them or by their Respective Navall Officers to the Comm^r of his Maj^e Customes, Twice every Year, under a Grevious penalty upon their Willfull Neglect or Refusall so to do:
3. That the Govern^r &c. shall not Imprison or Suspend any of the Officers of his Maj^e Customes (Except in Case of Felony, Murther or Treason proved) But shall by the first opportunity Represent the Case to the Comm^r of his Maj^e Customes, Given the Officer a Copy of his Charge, Time enough that he May Send his Answer to the Comm^r of his Maj^e Customes Alsoe:
4. That all Depositions Relateing to Trade & Navigation or Otherwise taken before the Govern^r of any of his Maj^e plantations and Certifyed under the hand and seale of the said Govern^r who is to take the same (Unless he be a party Concernd) shall be of equall force at the Council Board, or in any of the Courts at Westmister Hall as if the same had been

been taken before any of the Ma^r in Chancery in England But where the matter in Difference Relates to the Gov^r or Leiv^r Gov^r the party Agrived may Apply himself to the Cheif Judge, or to any Two of the Iustices of the peace in the said plantations (Whereof one to be of the Qorum) who are to be Required under a penalty to take and Certifye the same which Oath to be of Like force:

5. That the fees in the Court of Admiralty, and Special Courts in the plantations for Trying seizures and forfeitures, and all matters Relating to the Crown be Regulated, being at present to Extravagantly high, that in Case Iudgm^t be entred up for his Maj^t a great part of his Maj^t, And the Collect^r third part of forfeitures be not swallowed up in fees, as Lately at Carolina Bermuda & providence.

6. Whereas by the 14 Cha. 2^d Officers may plead the Generall Issue and the Judges are Required to Admitt the same, And to Acquitt & Indempnifie them &c. which M^r Nelson the Cheif Iustice in Bermuda Refused to doe in my prosecuting a Seizure, And was practiced Likewise in Pen-silvania upon my Trying the Sloop Dolphin of Boston &c. they gave Iudgm^t Against me at both places for Court and Other Charges And that all Judges Refusing to Admitt the Officers plea upon produceing any of the Acts Menconed in the said A^t of the 14 Car. 2^d be fined &c. And that no person shall be Judge in the same Case in Two Severall Courts.

7. That no Collect^r in the plantations Grant Bills of Store for any of the Enumerated plantation Cōmodities upon paying Double the Value of every pound thereof so Granted.



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Edward Randolph.

8. That no Officer of his Maj^t Customs be owner of any Vessell, nor an Agent or Factor, for any Merchant or Company und^t penalty of —

All which is Humbly Submitted by

No^{ber} 5.
1700.

EDRANOLPH.

[*Endorsed*]

A Paper from M^r Randolph
shewing the Loss his Ma^r suffers
in y^e Revenue of his Customs on
Tobacco: With Proposals for
preventing y^e same.

Rec^d } Nov^r 6th
Read } 1700.

THE NAMES OF SEVERALL GOVERN^{RS} WHO HAVE WITTINGLY
AND WILLINGLY BROAK THE ACTS OF TRADE AND HAVE
THEREBY FORFEITED TO HIS MAJST 1000£ AS BY EVIDENCE
VIVO VOTE [*sic*] AND ATTESTED VOUCHERS I CAN MAKE
APPEAR.

State Papers, Board of Trade, Plantations General, Vol. 5 (D. 54), Feby 3rd 1701.

Bermuda.

Sam^l Day Esq^r being Govern^r of the said Islands was
Owner of $\frac{1}{3}$ of the Sloop Blessing of Bermuda: Danniell
Johnson Ma^r The 5th of June 1699 the said sloop was sent
with Tobacco to Carasaw as Appears by the order of the
Two Other Owners of the said sloop and the Deposition of
Danniell Johnson the Ma^r N^o 2 and by the Tryall upon my
seizing her in Bermuda N^o 3:

South

South Carolina.

John Archdall Esq: Late Govern^r of the Province about the 8th of March 1696 gave his permitt to Symon Tristant Ma^r of the sloop Dolphin belonging to the Brandenburge Factory at the Island of S^t Thomas being a French man to come into the Harbour and Trade as Appears by the Deposition of Jsaat Callebueff:

That the said Archdall would not permitt M^r Gerrard the Collector to seize the said Sloop as Appears Deposition N^o 4.

Pensilvania.

W^m Markham Esq: Late Govern^r of the province did About the 5th Novem^{br} 1696 discharge the Briganteen Loyall Factor of New Yorke Timothy Ashembew Ma^r after the Collector M^r Webb had Seized her by his own Warrent: at New Castle for Loading 30 or 40 h̄ds of Tobacco before Bond given without Tryall, upon Ashembew paying him 80£ or there Abouts for that favour Vide Warrent and Webbs Depositions:

Road Island.

Walter Clarke Govern^r Refused to take the Oath enjoyned by the Act for preventing Frauds to be taken by all Govern^rs yet Continued in the Govern^r some tyme After.

All which is humbly subm^t:

ffeb^r 3 : 1700.

by ED RANDOLPH S: G:

[*Endorsed*] Names of Gov^r who have broke the Acts of Trade & thereby forfeited 1000£ to his Majesty. Sent to the Board by M^r Randolph.

Rec^d 13th feb^r } 1704.
Read } ~

AN



AN ACCO^T OF VESSELS AND GOODS FFORFEITED WITH THEIR
SEVERALL COLLONIES AND PROVINCES OF BAHAMA ISL-
YORKE, NEW ENGLAND, TOGETHER WTH His MAJST THIRD

State Papers, Board of Trade, Planta-

The Names of Vessells & Loading forfeited	Mastrs Names	Where	When
Sea Flower Brig ^t of Carolina	John Flavel	Bahama Isla ^{ds}	Feby 11 th 1697
Sloop Scænd ^r bagg of Boston	Joseph Edmonds	Bahama Isla ^{ds}	Nov ^r 28 th 1698
Sloop happy Jane Burmuda	Jonas Clay	Burmuda	June 1 st 1697
Sloop Turtle Burbados	Rob ^t Cunningham	South Carolina	Augu ^r 26 th 1697
Cole and Bean Gally London	Paul Welch	South Carolina	Decem ^r 28 th 1699
Ship Providence of Dublin	John Hamilton	Virginia	July 12 th 1699
Ship Integrity of Biddiford	Abra ^t Whitson	Virginia	Aprill 10 th 1699
Ship Pensilvania Merch.	Sam ^{ll} . Harrison	Pensilvania	Aprill 1 st 1698
Ship Fortune from Madagascar	Tho : Morston	New Yorke	May 1699
Ship Phidelia from the Island of S ^t Thomas	Tho : Sims	Boston	About 1699

ffeb^r 3 : Exchange of Money from the Abovesaid Provinces uncertain.
1700. Carolina money Sometime at 30 p Cent.
New Yorke from 25^L to 35^L p Cent.

[Addressed] To the Right Hon^{ble} the Lords Com^r for Trade
humbly presented by EdRandolph: S : G :

Sent to the Board { Rec^d 13th Feby. } 1701
by M^r Randolph. { Read } ~

Documents and Letters.

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MA^{RS} NAMES FOR BREACH OF THE ACTS OF TRADE IN THE
ANDS, SOUTH CAROLINA, VIRGINIA, PENSILVANIA, NEW
PART ARIEING THEREUPON & IN WHOSE HANDS.

tions General, Vol. 5 (D. 55), 3 Feb. 1709.

Apprizeinent	Charges de-ducted.	Neat produce	His Majst third part.	and in the hands of
Providence mon: £825.	£ 11 : 03 : 03	£ 613 : 16 : 09	£ 204 : 12 : 3	John Graves Collect ^r in the Island of Providence
Providence mon: £303.	£ 184 : 18 : 00	£ 118 : 18 : 00	£ 039 : 07 : 4	Cott Goddard Late Gov ^r of Stephen Crow the Sheriff of thofe Islands.
Burmuda mon: £ 325. 9.			£ 108 : 09 : 8	
Carolina mon: 858 : 4 : 10 $\frac{1}{2}$			£ 286 : 1 : 7 $\frac{1}{2}$	Joseph Blake Late Gov ^r of South Carolina
Carol mon: £ 3250 : 19 : 3 $\frac{1}{2}$	£ 403 : 08 : 09 $\frac{1}{2}$	£ 2787 : 10 : 06	£ 929 : 3 : 4 $\frac{1}{2}$	
Sterl ^l Mon: £ 204 : 19 : 2			68 : 6 : 4 $\frac{1}{2}$	Cott W ^m Byrd Receiver Gen ^l in Virginia
Sterl ^l Mon: 182 : 18 : 4			60 : 16 : 1 $\frac{1}{2}$	
Pensil: mon: 170 : 0.			£ 57 : 0 : 0	W ^m Markham Late Gov ^r of the province of Pensilvania
New Yorke mon: £210 : 0 : 0.	About 500 as I am Informd.		£ 70 : 0 : 0.	W ^m Paine the Collector.

Providence in Bahama Islands Above 60 $\%$ p Cent.

But Pensilvania is Settled at 25 $\%$ p Cent by Acts of Assembly.

Burmuda Money About 20 $\%$ p Cent.

[*Endorsed*] List of Vessels & Goods forfeited to his Majesty in America
for breach of the Acts of Trade

All which is humbly submitted,
by ED RANDOLPH : S: G:
EDWARD

**EDWARD RANDOLPH TO THE LORDS OF TRADE.**

New Jersey Archives, First Series, Vol. II. p. 356.

Abstract of some papers setting forth the Misdemeanours
and male Administration of Govⁿ in y^e Proprieties and
Charter Govnⁿ in America 19 Feb^r. 1700-1.

East and West Jersey.

The Proprietors have right to the Soyle, but not to the
Governm^t of those Provinces, The Quakers are now con-
testing for Coll Hamilton their present Govern^t, tho' not
allowed off by his Maties Orders in Councell, as the Law
directs. The Countrey is too large, and the inhabitants
too few to be continued a Separate Governm^t therefore
East Jersey ought to be annexed to N: Yorke, and West
Jersey to Pensilvania and the three lower Countyes which
will make a considerable and usefull Governm^t

RANDOLPH, CONCERNING ILL CONDITION OF COLONIES.

*State Papers, Board of Trade, Plantations General, Vol. 5 (E. 2), 5 March.
1700.*

To the Right Hono^{bly} the Lords Comⁿ for Trade.
A Paper Shewing the present ill Condition his Maties
Severall Plantacons & Provinces on the Continent of
America and the adjacent Islands are in at present to de-
fend themselves against any Invasion by Sea or Land.
Bahama Islands. The Island of Providence is the Seat of
Government, and has the cōmand of the few Inhabitants in
that

that and the other Islands: It lyes in 25° and 25° North Lat: tis in length about 25 Miles, and 8 or 10 in breadth, there are about 250 White men, Women & Children, and as many Blacks, Molattoes, and Muftees, who live some of them in the Towne of Naffaw, Others Scattered at a distance from thence, Twas Settled at first by some from Iamaica, and Since Severall ffamilyes are removed thither from Burmuda.

The Spaniards lay clayme to those Islands, and being part of the Spanish Dominions (as they give out) Iuan Coreo a Spaniard Landed at Providence with 150 men from the Havana, the 19th of January 1683, They kill'd 3 English, and plunder'd the Towne to the value of nigh 20,000£ and carryed out of the Harbour an English Vessell which came thither to Trade, There was then a Small ffort which cōmanded that Harbour, but the English were presently drove out of it, and fled into the Wood to Save their Lives, Some gott to Iamaica,— most of the men Women and Children, who lived on Elutheria and Harbour Islands gott to New England.

John Flavell Ma' of a Vessell belonging to Carolina being bound thither from Iamaica, was taken by the Bonaventure ffleet the 13th of July 1698. In the Lat of 24 in the Gulph or fflorida, he was made a Prisoner, and his Vessell a Prize. The Generall of that ffleet hearing that Flavell was well acquainted with Providence, perswaded him to Pilott 7 or 800 of his men into that Harbour, Saying he had a Cōmission for it, and that he would root the Inhabitants out, assoon as he could gett a Pilott.

Thomas Smith, Master of a Vessell belonging to Boston,
was



was taken by Ferdinando a Pyrate the 19th of January 1699 and carryed into the Bay of Hounds on the North side of Cuba to the Westward of the Havana. The Pyrate tooke a Spanish Cano with 4 men in her, they kept Two of them aboard, and sent the other Two in their Cano to the Governor of the Havana, to know whether they Should be entertained; the Governor sent them a Pardon, and the next day 3 or 4 Cases of Brandy, Shoes, and what other Necessaryes that Place would afford for their Relief, then the Pyrate gave the Spaniards possession of Smith's Vessell, which they carried into the Havana; Smith came in a Small Spanish Lanch to Providence the 25th of March 1700. and made Oath to the above written Account.

The ffort was begun to be rebuilt by Coll Trott, having in it 22 Iron Guns (Sakers & Minions) Mounted, but the Wall to the Southward was soe slight, that Soon after 'twas built 40 or 50 foot were blown downe in one night, and that part which lyes to Secure the Harbour, is all open with the Shoar, and of noe use, Besides the Lords Proprietors wrote to Coll Webb to doe nothing more towards the Repaires, Soe that Place cannot defend it self against a Small number of Spaniards, who in 24 hours Sayle can come upon them from Cuba.

The best, and only place for a ffortificacon is Harbour Island, which lyes in 25^d and 25^m N. Lat and above 15 Leagues from Providence, where is a Spacious Harbour, 19 foot Water lying between Elutheria, and Harbour Island, and a narrow Entrance, where a Small ffort with 15 Guns will Secure the Harbour, and the Island, Soe that noe Vessell can goe in.

The

The Winchester ffriggott was cast away in the Gulph of fflorida, in Shallow water, a little charge will weigh her Guns, which will Serve for the Fort at Providence, and a ffort to be made at Harbour Island.

The Lords Proprietors have been at noe charge to Secure those Islands, but left them to the Inhabitants to defend themselves; nor tooke any care for the Settling those who were drove off by the Spaniards in 1683. Tis absolutely necessary Some present and effectuall course be taken to defend Providence, otherwise if the Spaniards or ffrench gott that Place, It will be a great Annoyance to Vessells passing through the Gulph of Florida, and an utter ruine to our Trade in thos Parts.

South Carolina lyes in 32^d and 30^m the Spaniards likewise lay clayme to all the Southern Bounds of that Province, as farr as Ashley River, In the year 1686, 100 Spaniards with Negroes, and Indians Landed at Edisto about 50 Miles to the Southward of Charles Towne, They broke open the House of M^r Ioseph Morton, then the Governor of the Province, and carryed away his Brother in Law, who was found Murther'd two or three dayes after, They carryed off all his Stock, Money, Plate, and 13 Slaves to the value of 1500[£] Sterl, and carried away their other Plunder to the Castle at S^t Augustin, which lyes 30 or 40 Leagues South from Charles Towne, Two of the Slaves escaped, and came to their Master, The Governor of Carolina demanded his other Slaves, and his Money of the Govern^r of S^t Augustin, but he answer'd he could not return them wthout an Order from his Master the King of Spain; They then destroyed, and plunder'd other Settlements, tell-



ing the distressed Inhabitants they were Settled upon their Master's the King of Spain's Land.

The Lords Proprietors of that Province think their Country is well Secured by their Bard Harbour, but I have seen a Liev^t and 6 Spanish Soldiers, who came from S^t Augustin, to Charles Towne in a great Periagoe, through Small Inland Creekes, leading from one River to another, and did not goe by Sea, A Small ffort wth 7 Gunns built upon the Entrance of the narrow Passages after crossing the River of Port Royall, or of some other more convenient Place, will Comand and Secure those passages. There is a ffort built of brick at Charles Towne, but not ffinished which Cōmands the Entrance into Ashley and Coper Rivers, they have noe Guns Mounted there, and not 10 or 12 Small Old Iron Guns mounted on the Shoar of the Harbour, not fitt for Service, being made use of for Salutes chcifly.

North Carolina has a few Inhabitants who live Scatter'd up and downe upon the Rivers, and ffresh water Lakes; The Two Inletts of Currituck, and Roanoak have not above 7 or 8 foot at high water, Their Poverty is their Security; They cannott gett 60 men together in 10 or 15 dayes time for their Defence.

Virginia & Maryland have noe ffortificacons, There were formerly 3 fforts built in Iames River, One at the Entrance upon Poynt Comfort, tis ruin'd and many of the Guns Sunk in the Sands Another ffort built with Severall Guns mounted to Secure the Entrance of Naffymum River being a branch of Iames River.

There is a brick ffort wth about 20 Guns mounted upon Carriages

Carriages at Iames Towne, which Secures Ships rideing above Iames Towne.

There are about 14 Guns upon the Shoar at Tyndall's Point in York River, but none Mounted, intended for the Security of Ships Tradeing there.

Another Small ffort was made at Caratoman lying on the North side of Rapahannock River 'tis fallen down, and the Guns buryed in the Sands.

There was likewise a Small ffort built at Yeocomoca Bay, lying on the Southward of Potomack River, that ffort is fallen downe, and the Guns lye buryed in the Sand.

There are noe fforts (that I could hear of) nor any Guns mounted in the Province of Maryland.

It is not possible to build any fforts that can be usefull for the Defence of those Countreys, because they lye low, and abound wth great Rivers, and an Enemy may land where they please, soe that their proper, and only defence is made by men of Warr, to cruise up and down within, and Sometimes lye off the Two Capes, and the Cōmanders to follow Such Direcōns, as the Governⁿt of Virginia and Maryland shall think necessary, To wth end (I hear) the Lords of the Admiralty have sent Two good ffriggottts.

Pensylvania, and the 3 lower Countyes upon Delaware Bay are exposed to all Danger, One Cross a Pyrate Landed at the Whorekill about the 28th of August 1698. He rob'd the Inhabitants, and plunder'd the Towne, They wrote an Express to M^r Markham their Governor, And pray'd him to Send a Sufficient number of men, to releive them, He cauf'd the Drums to be beat to raise Volunteers, but could gett none to goe, neither have they any Officers or Trained Militia,



Militia, It being against the Quaker's Principles to make use of the Sword. I saw 7 Small Guns mounted at Newcastle, but of little Service, because the Channell thereabouts is Soe broad, that Vessells may easily passe up the River, out of Gunn Shott. The Cheif of the Inhabitants in Pensylvania, being Sensible of the apparent Danger they were in, of being invaded, and ruined by the ffrenc & Indians, in the year 1692 Did in their Petition and Address intended to be presented to his Mātie humbly sett forth as followes:— That his Māties Subjects and Province of Pensylvania were in great Danger to be lost and ruined for want of a Settl'd Militia.

That Proprietary Penn upon his Māties restoreing him to the Governm^t of his Province, Did promise his Mātie That the Militia of the Province, Should be effectuallly Settled, to defend his Māties Subjects against all Enemyes, That contrary to his Said promise, the whole Government is put into the hands of Quakers, who not only refuse to Settle, but give all the Discouragem^t they can to Soe good a Work, whereby his Māties subjects, and the Province are exposed to all danger, and to be destroyed unless some speedy and effectuall care be taken from home to prevent the same, And they getting Notice of the said Petiōn did threaten to Imprison those that should subscribe it, wth put a stop to the presenting it.

There are a great many stout men in Pensylvania were they in Cōmission, and well Armed, would run all hazards to defend themselves, and their Countrey from Dangers that may happenn.

'Tis absolutely necessary to secure the Entrance of Delaware

ware Bay, which lyes above 160 Miles from Phyladelphie, the seat of M^t Pens Governm^t by sending a small ffriggott thither, which will guard Pensylvania and West Iersey from P^ryrates, and break the neck of the Illegall Trade, never more practised than since M^t Pens Arrivall to the Goverm^t of Pensylvania.

The Provinces of East and West Iersey They haue noe Militia, Their only Security depends upon the Goverm^t of New York.

The Collony of Connecticott lyes above 100 Miles in length upon the Western Ocean, and farther up in the Land, their Security depends upon the Garrison at Albany, tho' they have many small Towns well Inhabited, yet they are not in a Condiⁿon to defend themselves, ffor in Case the ffrench should get possession of Albany, they would soon putt Connecticott under Contribuⁿon.

Road Island lyes nigh the Center of New England Sam^u. Cranston is the present Governor, but the Quakers have the sole Adm^acon of the Goverm^t: There are 5 or 6 small Guns mounted at Newport being the Southermost part of the Island, wth serves to defend small Vessells in the Harbour tis necessary there were a good ffortifycaⁿon wth Guns to defend that Place, There being few, or noe soldiers upon the Island, as were formerly, before the Quakers had the Goverm^t: I was told about 10 yeares agoe (by Cap^t Talmash who in his Younger time had been a Buccaneer) That 7 or 800 Buccaneers in the West Indies were resolved to gett possession of Road Island, being a Place abounding with Provisions, wth if they had effected, All the Inhabitants in New England, could not have driven them off.

The



The Province of Massachusitts Bay, Boston is the only Place of Defence in that Province, There are Two fforts wth severall Guns mounted in them, The One about the Middle of the Towne, which Cōmands Vessells in the Harbour, and the other at the North End, at the Entrance of Charles River.

There is a small ffort at Charles Towne, wth 3 or 4 Guns in it, There are likewise severall Guns mounted at Castle Island, lying one League from Boston, wth a Battery of about 7 Guns which cōmands the Channell to Boston.

I am informed that they take little care to buy Amuniēon, and other Necessaryes for Defence of their Countrey.

There are great Numbers of men in that Province fitt to bear Armes.

The Liev^t Governor M^t Stoughton, is a person learned and conversant in Bookes, but wholly unacquainted wth Military Discipline, soe that, That great Countrey lyes exposed to the Incursions of their merciless Enemyes the French and Indians.

Tis true they have a Settl'd Militia through the whole Province, and some of the Councell, and others being Churchmembers, are made the Cheif Officers, but not three of them all know how to draw up and exercise a foot Company, as they ought.

His Excellency the Earl of Bellamont resides at New Yorke, being about 350 Miles distant from Boston, and it will (I fear) be a long time before they can receive the necessary Orders from his Excellency against the Approach of an Enemy.

The Province of New Hampshire, Tis not long since it was

was attack'd by the Indians, and many of the Inhabitants destroyed.

One William Partridge a Millwright, is the present Liev^t Governor, under his Excellency the Earl of Bellamont. He is noe way quallyed for soe great a Cōmand.

There is a ffort built upon Great Island at the Entrance into the River Piscataqua, and above 20 Iron Guns in it which with Shott and other Amuniçon proporcionable were sent thither by her late Mātie besides some that were there before

Piscataqua River is the only Place from whence the great Masts, fitt for his Māties Navy Royall are brought, The ffrench may at any time easily Surprize that ffort, there not being many men upon the Island, ready to defend it, and if once in their possession, they will hold it, till reinforced by greater Numbers, and then will maintain themselves by Contribuçon from the Neighbouring Inhabitants in the Towns of Hampton Exiter &c.

The Province of Main adjoynes to New Hampshire and lyes 40 or 50 leagues distant from Boston. It has been often invaded by the Eastern Indians and ffrench, who encouraged and assisted the Indians to destroy the English Settlem^t about Kennebeck, Ambroſs Scoggan Rivers, and the ffort at Sagadahock &c. And if S^t Edmund Androſs (then Governor of New York) had not sent from thence a ffort ready framed about the year 1676 to Pemaquid wth great Guns, Soldiers, and all Necessaryes to secure those few Inhabitants settled there, from New York, the Indians had at that time overrun the whole Province, which is fince almost all destroyed.

The



The Rebuilding the ffort at Pemaquid has been often discoursed of, But the Bostoners thro' whose neglect it was taken by the french and Indians, have not money to doe it.

There are other fforts in the Province of Main, as that of Casco, Tuesett, Sheepscott, and Sagadahock, w^{ch} might be of great Service, and 'tis necessary they should be repaired also, but there are but few Inhabitants left, and those ruined.

From the Considera^con whereof, 'tis humbly proposed, That the Lords Proprietors, and others clayming right to the severall Proprietyes on the Continent of America, and Islands adjacent, be forthwith required to fend Great Guns, Small Armes, for horse and foot, and Amuni^con Sufficient for the Defence of his M^tties good Subjects there Inhabiting, And that a prudent Gent well Skill'd in Military Afaires, be Speedily sent from hence, w^{ch} his M^tties Cōmission to be the Liev^t Governor of the Province of the Massachusitts Bay, in the room of M^t Stoughton the present Liev^t Govern^t of that Province, And that another good Soldier be in like maner commissionated to be the Liev^t Govern^t of the Province of New Hampshire in the roome of M^t Partridge, with a yearly allowance of a good Sallary, for the support and Maintenance of each of them, Which will animate, and encourage the desponding Inhabitants chearfully to provide all Necessaryes for their own, and their Countrey's Security, Especially when they see his M^ttie is pleased to take such effectuall Care for their Preserva^con.

March y^r: 5.
1700.

All which is humbly submitted

by ED RANDOLPH
[Endorfed]

[*Endorsed*]

M^r Randolph's Paper setting
forth y^e present ill condition
of y^e Plant^m on y^e Continent
of America & Isl^d adjacent
wth respect to their Defence
against an Enemy.

Rec^d 5th March 1708.

A PAPER HUMBLY PRESENTED SHEWING THE GREAT LOSS HIS
MAJESTY YEARLY SUSTAINS IN HIS REVENUES UPON SUGARS,
COTTON WOOL, INDICO &c. WHICH ARE CARRIED FROM
BARBADOES, IAMAICA, AND OTHER HIS MAJESTIES CARRIBY
ISLANDS TO SMALL PLANTATIONS NEAR THEM BELONGING
TO THE DUTCH.

*State Papers, Board of Trade, Plantations General, Vol. 5 (E. 5), 17 March
1708.*

John Warren Master of a Vessell belonging to Providence
One of the Bahama Islands, took a board her about a Twelve
month ago 80 hds of Sugar, giveing Bond to Carry it to
England or some of his M^ties Other Plantations, But Car-
ried it Directly to Curriafaw, where he sold it, and twas put
on board a Dutch ship Bound for Holland.

The Island of S^t Thomas belonging to the Danes is like-
wise plentifully suppli'd with Sugar, Cotton, Lignum Vitæ,
and Logwood from Anguila, Spanish Town, Tertola &c.
upon which the English are Settled, I am informed That
the Governour of S^t Thomas takes upon him the Care of
Shipping those Goods to Denmark.

The Dutch Islands of Statia, and Swabia lying not farr
from Nevis, and Antegoa Trade with those Islands from



whence they have Yearly Great Quantities of Sugar which they fend to Holland.

There was about a Twelvemonth ago, a ship from Scotland which brought to Statia, a Cargo of the Manufactures of that Kingdome, a good part whereof was bought by Daniell Johnson Master of a Vessell belonging to Bermuda &c. The Scotch Master makeing his Returns home in Sugar, Cotton-Wool, and Other Plantation Commodities.

I am likewise informed (since my last Arrivall in England) by some of the Chiefest Merchants in London, That English Masters who are permitted by Law to Carry Serv^a, Horses, and Provisions To our West India Plantations Load the Commodities thereof (sometimes 20 Vessells in a Year) and Carry them Directly to Holland.

All which is Occasioned either by the Connivance, or neglect of the Governours in their not Takeing Bonds With sufficient Security to Carry the same to England, Wales, &c. Or their not Vigorously prosecuting them when Forfeited, as the Law directs, By all which undue Meanes his M^tie Looses many Thousand pounds yearly in his Customes on Sugar, &c.

For Prevention whereof Tis humbly propofed

That all the presen Governours, and such as shall hereafter be the Governours of his M^ties Forreigne Plantations, Give Bond to his M^tie with two sufficient sureties here in England, as the Commissioners of his M^ties Customes London shall Approve of (according to the quantity of Plantation Commodities made Yearly in their Respective Governments) not leſs than the ſum of 2000^l Sterling, Strictly to put

put the Acts of Trade in Execution, And observe all such Orders, and Instruccons as they shall from Time to time Receive from the said Commissioners.

That the said Governours, or their respective Navall Officers Admitt of none to be sureties for any Master of a Vessel belonging to the Plantation where he Loads, or to any of his Māties Plantations, But such as Are Inhabitants, and men of Good Estates, upon their being Answerable to his Majesty for the Penalty of such Bond, in Case it be Forfeited.

And in Regard Masters of Vessells belonging to England, Wales &c. First go to Scotland, or Ireland for Servants, Horses, or Provisions, or go in their Ballast to Newfound land to Carry Fish for Bilboa, &c. And being disappointed of their Loading go to the Plantations to Load Tobacco, Sugar &c.

That no Governour, or Navall Officer shall upon any pretence whatsoever permitt such Master to Load or Take on Board any of the Eñumerated Plantacon Commodities untill he do produce to him, or to his Navall Officer, a Certificate under the Hands, and seals of the Chief Officers of the Port in England, Wales &c. from whence she sayl'd That Bond was there Given According to Law.

That the said Governour, or his Navall Officer, do twice in every Year transmitt to the Commissioners of his Majesties Customes in London, a List of all Vessells Ladeing any of the said Ennumerated Commodities in their Respective Governments.

I saw at New York where I was not long since a Bill of Stores for 10 Thousand Weight of Sugar Granted by the Collector:



Collecto^r of Antegoa to Caleb Beck Master of A Vessell
belonging to New England.

That no Collecto^r Grant a Bill of Stores for any of the
said Commodities under penalty of paying Treble the Vallue
thereof.

All which is humbly submitted

March 17th
1700.

by ED RANDOLPH.

[Endorsed]

M^r Randolph's Paper about
the Loss his Ma^{ry} suffers in his
Revenue by illegal Trade in
the Sugar India

Rec^d { March 17th
Read { 1700.

RANDOLPH WISHES NO GOV^R. TO BE A TRADER, &c.

State Papers, Board of Trade, Plantations General, Vol. 5 (E. 6), 17 March 1709.

Proposalls more Generall Humbly Offered for Regulating
Trade in All his Māties Plantations on the Continent of
America, And also in All his Māties Islands in the West
Indies.

1° That no Governour, Leiv^t Governour in any of his
Māties Plantations shall be an Owner, or Part Owner of
any Ship or Vessell, nor shall Trade, or Barter by himself
or by any person Concern'd Directly or indirectly for him
under Loss of his Government.

2° That the Governour &c. shall not imprison or suspend
any of the Officers of his Māties Cuitomes (except in Case
of Fellony, Murther, or Treason proved) But shall by the
first

first opportunity represent the Case to the Commissioners of His Māties Customes giveing the Officer a Copy of his charge that he may have time to prepare, and send his answer to the Custome House.

And for the more Equall Distribution of Justice amongst his Māties Subjects in the Plantations It's humbly Proposed

3° That the Chief Justice in the Respective Plantations be appointed by Commission from his Mātie, And That no Person in the Plantations presume to Accept of, and Act as Chief Iustice in Any of the said Plantations Except in Case of Death, or Sickness, he be wholly Disenabled to Execute the same.

4° That Depositions Relating to Trade and Navigation or Otherwise, Taken before the Governour of any of his Māties Plantations, and Certify'd under the Hand and seal of the said Governour who is required to Administer the same shall be of Equal Force at the Councill Board, or in any of the Courts in Westminster Hall as if the same had been taken before a Master in Chancery in England, But Where the Matter in Difference relates to the Governour, or Leiu^t Governour the Party agrieved may apply himself to the Chief Judg, or to any two of the Justices of the Peace in the said Plantations (Whereof one to be of the Quorum) who are to be required under a Penalty to take and Certify the same, Which Oath to be of A like force, &c.

5° That the Fees in the Courts of Admiralty, and speciall Courts in the Plantations for Trying Seizures, and Forfeitures and all Matters relateing to the Crown be Regulated, being at present so Extravagantly High That in Case Iudgment be entred up for his Mātie, a Great Part of his Māties
and

and the Collectors third part of Forfeitures be not swallowed up in fees as lately at Carolina, Bermuda and Providence.

Whereas by the Act made the 14^o Car. 2^o Entitled an Act for preventing Frauds in his Māties Customes in England, Officers of his Māties Customes being sued for executing their Office may Plead The Generall Issue and the Judges are required to Admitt the same and to Acquit and indemnify them &c. M^r Nelson the Chief Justice in Bermuda, upon my being prosecuted for Seizing [vessels?] Illegally Tradeing there Rejected my Plea, and Granted Judgment against me for Court Charges &c. which I was forced to pay.

I had likewise Judgment Given Against me in Pensilvania for the like Matter.

6^o That all Judges in the Courts of Record, or in the Courts of Admiralty in the Plantations Refusing to Admitt of the said Plea of the Officers of the Customes be grieveously Fined, And also that no Person shall be Iudg in the same Case in two severall Courts.

Whereas it hath been, and still is the Common practise of Governours, Leiv^r Governours &c. in the Plantations to imprison his Māties Subjects at their Pleasures, by their Own Warrants, Not Admitting them to Bail, Tho' very sufficient Security Tend'red, but Keep them in close Custody till the Next quarterly Court where nothing appearing against them they are discharged of course, but not at Liberty untill they have paid the Extravagant fees to the Chief Justice, to the Court, and to the Goaler, To the Ruin of severall of his Māties Subjects, as in Bermuda. Carolina and lately in Providence.

7^o That the Habeas Corpus Act be in as full force to all intents

intents and Purposes in all his Māties Islands, Collonies and Plantations, as is now in England, &c.; And that the Act made the 11^o and 12^o Yeares of his present Mātie entitled An Act to Punish Governours of Plantaōns in this Kingdome for Crimes by them Committed in the Plantations, may be revised, and such amendments made therein as may be for the Relief of his Māties now Oppressed Subjects in those Plantations.

8^o And That all Governours &c. do before their entrance upon their respective Governments, Give Bond here in England to his Mātie not exceeding 5000 to Give full satisfaction for all Damages which shall appear to be done by them, or Order, to any of his Majesties subjects Inhabiting in their Government.

All which is humbly submitted

March : 17 :
1700.

by ED RANDOLPH.

[*Endorsed*] M^r Randolph's general
Proposals for regulating Trade
in all his Ma^m Plant^m.
Rec^d } March 17th
Read } 1704.

**CRIMES AND MISDEMEANORS CHARGED UPON THE GOVERNORS
OF THE PROPRIETARY GOVERNMENTS IN AMERICA.**

New Jersey Archives, First Series, Vol. II. p. 358. 24 March 1704.

Articles of High Crimes: Misdemeanours Charged upon the Governours in the Severall Proprietries, on the Continent of America, and Islands adjacent.

Bahama



Bahama Islands. Pirates entertained there, and illegal Trade maintained, and carryed on by the Inhabitants.

Every the Pirate, and his men were entertain'd when Collonell Trott was Governor of Providence; and had liberty to depart, or stay there upon their Giveing Bond of 1000£ to appear when called some of those were bound, One, for another, They carry from those Islands the Brazillett, and Other dying Woods to Curriafaw.

Colonell Nicholas Webb his Successor was a cruell oppres-
for, and Imprisoned his Maties Subjects at pleasure, by
which means, he Gott a great deal of Money, and They, and
their Families were Ruin'd. Read Elding the present Gov-
ernour, stands charged wth Piracy lately committed upon
a New England Vessell richly Loaden, bound from Jamaica
to Boston.

He Tyrannically beat and Wounded M^t Thomas Gower,
the Present Secretary, and Soon after kept him in Prison 17
daies.

He seized and condemned Small Vesells belonging to the
Inhabitants haveing made Parker, one of Every's men, (and
his Brother in Law) Marshall.

Dolton a Red Seaman is Judge, and Warren another Red
Seaman his Attorney Generall. They have Sold y^e Vesells
and put the money in their Pocketts.

South Carolina — 70 Pirates were entertain'd there, about
8 years ago.

M^t Archdale the late Governour Harboured Pirates, he
countenanced Day the Master of a Bristol Ship, to defraud
his Owners of Vesell & Loading, And afterwards Day
being bound to the Red Sea M^t Archdale provided for him

a Moschetto Engine, against his Master's Will to catch Fish for his Voyage.

He gave his permitt to Simon Trifrant, a Frenchman born, Who Imported a rich Loading of Wine, Sugars, and Cocoe, to sell his Vessell, and Cargo for which he was well paid.

M^r: Joseph Blake late Governor Deceased, was a Great Indian Trader, and Took 6 Barrells of Powder, in the Late French Warrs and Sent them by his Agents to purchase Skinns of the Indians, having but 4 barrels in the Store, All which was purchased for defence of the Country.

He cauf'd Some Vessells, and their Loading to be Seized and Condemned upon pretence of their Acts of Trade, and getting them to be apprized at half ye vallue, he and his Accomplices gott them into their Hands, denying to y^e Owner's appeals to his Ma'tie in Councill.

He caused other Vessells to be seiz'd upon the same pretence and upon Private Contract with the Masters to pay him half ye Vallue of their Vessells (which they did) he discharged their Vessels, defrauding his Ma'tie thereby of his Third part wth many other like misdemeanors Committed by him.

North Carolina — They have no Settled Governm^t amongst Them. About 4 years ago the Swift Frigott being Drove out of Virginia by Storm and comeing aShoar upon the Sands in that Province the Inhabitants Robb'd her, and Fired Great Gunns into her and Disabled her from Getting off. The Chief Offender was Banished onely. Tis a place which Receives Pirates, runaways, and illegal Traders.

Mary-land — His Matie took the Governm^t of That Province
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ince out of the Hands of the Lord Baltamore the Proprietor, because Colonell Talbott his Governoeur murther'd the Collector of his Ma'ties Customes in Cool Blood.

The Three Lower Counties on Delaware Bay. M' Penn usurps Government, and laies Taxies upon his Ma'ties Loyal Subjects inhabiting There.

There were not Long Since Two persons Try'd & Condemned the Judges, and Juries not being Sworn, and afterwards executed in those Counties.

Pensilvania — Another person was Try'd, Condemned, and Executed in M' Penn's own Province, the Judg, and Jury not being Sworn.

It has been, and still is y^e only receptacle for Pirates & illegal Traders.

M' Penn in Defyance of y^e Authority of y^e Court of Admiralty there erected, Has appointed a person to Execute y^e office of Marshall by Warr^r under his hand and Seal.

I was made a prisoner by M^r Markham (M^r Penn's Governoeur) because I would not Deliver to him Two Bonds, one of 1000£ and the other of 500£ Forfeited to his Ma'tie, which I had Given Orders to be put in *Suit*.

M^r Penn about Octo^r last intercepted, and detained Letters, and Packetts, from the Commissioners of the Customes, to M^r Birch their Officer at Newcastle.

He likewise charged Mr. Swift bound from Pensilvania to England, who M^r Penn knew had letters from the Judg of the Admiralty in Pensilvania for the Said Commissioners, not to Deliver them till one month after his Arrivall.

Provinces of East and West Jersey, — They are all in confusion for want of Governm^t and humbly pray to be taken under

under his Ma'ties immediate Governm' and Protection. They likewise receive and harbour Pirates.

Colony of Connecticott. Receive and countenance illegall Traders and Lately intended to Oppose with Force persons Legally impowr'd to Seize, & Carry away Prohibited Goods in Order to be Try'd in his Ma'ties Court of Admiralty at New York.

Road Island. They have all along Harboured Pirates. Walter Clarke, the late Governour, refused to Take y^e Oath enjoyn'd by the Acts of Trade to be taken by all Governours &c.

Samuell Cranston the present Governor openly opposed the Authority, of the Court of Admiralty, Order'd by Act of Parliament to be There erected.

Province of Maffachusetts Bay, — They haveing obtained a new Grant, made voyd, and destroyed all those Laws made not long before, for the Maintenance & Support of his Ma'ties Governours of That Province, on purpose to Discourage Gentlemen of Honour and abillities to serve his Ma'tie in that Country, haveing thereby made that Government precarious only.

They inrich themselves by their continued breach of the Acts of Trade, Some of the members of ye Council being illegall Traders, sitt Judges in ye Courts upon Tryall of Seizures for his Ma'tie, and do likewise deny Appeals to his Ma'tie in Councill, to those who are impowr'd and directed to prosecute them.

They have likewise Turn'd out M^r Byfield a man zealous for haveing the Acts of Trade duly executed, who by Commission under the Great Seal of y^e Admiralty was Judge of the



the Court of Admiralty in That Province. And made M^r Waite Winthrop (a small Practitioner in Physick) to be Judge of That Court Tho' in no Sort qualifyed for y^e Office instead of M^r Byfield against whom they had nothing to Object. Some of the First Pirates I ever heard of in the Northern Plantations were sett out from Boston who brought in a Great deal of Riches from the Spanish Plantations.

Province of New Hampshire. M^r William Partridge the present Lieu^t Governour, and Severall of the Inhabitants of that Province are Notorious, illegall Traders.

humblly Offered

by ED^r RANDOLPH.

March 24. 1700: [1701]

AN ABSTRACT OF MY PAPER HUMBLY PRESENTED TO THE
RIGHT HON^{BLE} THE LORDS COMMISS^{RS} FOR TRADE SHEWING
THE HIGH CRIMES AND ENCREASING MISDEMEANORS AND
MALL ADMINISTRAT^N OF THE GOVERNORS IN THE SEVERALL
PROPRIETIES ON THE CONTINENT OF AMERICA AND ISLANDS
ADJACENT.

Colonial Records of North Carolina, Vol. I. p. 545.

South Carolina. M^r John Archdall the late Gov^r (under his son a Lord Proprietary of the Province) permitted some of Every's Men, who came from Providence to Land, and bring their money quietly a shoar, for which favour he was well paid by them.

He contrary to the Acts of Trade gave his Permitt to Simon Tristrank (a French man borne) who came from S^t Thomas to put off his sugar, wine and cocoa, for which his
Marshall

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Marshall received for the Governor a large present, and therefore he would not suffer the Judge of the Admiralty, nor the Collector to seize her, saying she belonged to English owners, vide depositions.

He allowed one Day Master of a great ship of Bristol, which came into the Harbour loaden with Sugar from Jamaica, to sell his Sugar to a merchant in Charles Town, upon Condition that M^r Archdale should have a share of it.

M^r Blake his successor in the Goverm^t sent Six barrells of Gunpowder, bought for defence of the Country (being a Great Indian Trader) by his Agents to purchase skins of the Indians, vide Depositions.

He clandestinely got £80. from William Joel Ma^r of a Bermuda sloop, which he caused to be seized, upon pretence she was not registered, whereas the time for registering vessels was not expired, vide Depositions.

He caused a sloop belonging to Carolina loaden with Negroes from Guinea, to be seized upon the same pretence, and discharged her upon the owners promise to pay him 50£. (vide Depositions of the Owners sworn before a master in Chancery).

He was consenting to the seizing of the ship Carlisle stop five months in the Country, upon pretence that the Ma^r was a Pyrate, but the design was to get her into his and his Confederates hands, by putting the failors upon seizing her for their wages, and then get her to be sold to them for little or nothing.

By a Trick he put upon the Credulous Master of the Edward and Sarah of London, loaden with Sugar from Yamaica, he gott the Management of the vessell and her Loading



Loading into his hands, and leaving that to the care of one Loggen, they imbezilled the Sugar and brought in Extravagant Charges for Commission, which were allowed. The vessell was sunk through their neglect, yet they demanded and had 30£. for their care & diligence.

He and the Judge of the Court of Admiralty (his brother in law) condemned the Snow Gully of London, and her Loading they were appraised at a low value. His Majesty sometime after was pleased to order them restore to the owners the vessell & Loading, which they were glad to take at the appraised value, besides the loss they sustayned for want of their market. However Governor Blake and his confederates made great advantage by the sale of those Goods at the Country price.

The Cole and Bean Galley of London and Loading worth two or three thousand pounds sterl: were condemned and appraised at not half the value, the vessell was bought by Loggan under hand for the Governor and Bellinger, and the pretended collector for much less than halfe what the cost setting out in England; they sent her to the Bay of Campeache for Logwood and ordered the Master to sell her, and her Loading at Curafoa or Holland.

He turned M^r Nicholas Trott (app^d y^e Naval Officer by the Lords Proprietors and also by the Commissioners of his Majesties Customes) out of his place because he was diligent and faithfull to his trust, and put another therein, who was his confident and not fit for the place.

North Carolina. Thomas Harvey late Governor was deputed by M^r Archdall he put Mastⁿ to great charges because of their vessells not being registered, though the time lymit-
ted

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ted for registering them was not expired. The Tobacco made in that Province is generally carried to Boston or to the Islands near to Connecticut Colony where it is carried to Scotland &c, which fraud ought speedily to be prevented.

During his Government his Majestys ship Hady was drove a shore upon the sands between the Inletts of Roan-oak and Currituck, the Inhabitants robed her and got some of her guns ashore and shot into her sides and disabled her from getting off. The actors were tryed and one of the chief was banished. Henderson Walker the present Governor in no sort fit for the Office. . . .

May it please your Ld^{pp}s

The many misdemeanors I have justly charged upon the severall Governours in the Proprieties, arise chiefly from a very great neglect in the Propriet^r not taking due care to provide an Honorable Maintenance for support of their Governors, which is the true reason why no honest Gentleman of good reputation and abilities, to serve his Majesty in the Qualilty of Governors will leave his Country to live upon the Rapine and spoil in the Proprieties, as many of them have done for severall years last past; For 'tis easy to believe that Governors in such necessities will be soon tempted to do all unlawfull things. Neither have they taken any notice of the frequent complaints of the grievous oppressions done by their Governors to his Majesties subjects, nor of their exacting extravagant Fees from Masters of vessells and other Trading Persons, so as to redress them; Whereby lawfull Traders have been wholly ruined.

They



They have not at any time (during the late Warr with France) bought or sent over any great Guns, or small Armes for Horse or Foot Ammunition of all sorts, nor provided ships of Warr to be manned when necessary, nor soldiers ready for the defence of his Majestie's subjects inhabiting those Provinces, so that all the Proprieties (from the Bahama Island south beyond Pemaquid North) at this time lie open and exposed to every invasion, being an easy prey to their mercileſſ and insulting Enemys the French and Spaniards &c: especially South Carolina, lying within sixty miles of the Town and Port of S^t Austin, a place well fortyfyed and mand; from whence I saw a Lieutenant and fix Spanish soldiers in March 1699, who came from thence in a ſmall Periogua within the Land.

From the confideration whereof and for the more effectuall preventing the imminent ruine the Proprieties are in at present, and also for the more effectuall ſuppreſſing the growing evills arising from the arbitrary practices of their Governors which the Proprietors are in no ſort capable to redrefſ.

Tis therefore humbly proposed

1. That the Government of all the Proprieties on the Continent of America and Islands adjacent be forthwith vested in the Crown.
2. That all the just Rights & Prop'ties of the ſeveral Proprietors, and also of all the Persons claiming by or under them, be continued and confirmed to them by Act of Parliament to be enjoyed in as full and ample Manner as they have or may of right enjoy by virtue of their reſpective Grants or Patents for the ſame.

By

By which means they themselves will be fully secured in all their Rights, under an Equall Administration of his Majesties Government and protected in their lives and Estates from Rapine and depredation, The Acts of trade duly observed in all his Majesties Colonies and Provinces, and his Majesties Revenue yearly encreased, which will be a mighty benefit and advantage to all his Majesties Subjects inhabiting there.

And lastly their lands and estates made thereby far more valuable than before. . . .

All of which is humbly submitted by
E. RANDOLPH.

THE LORDS OF TRADE TO THE LORDS OF THE TREASURY.

Colonial Records of North Carolina, Vol. I. p. 538.

April 29th 1701.

My Lords,

There being a Bill depending before the R^t Hon^{ble} the House of Lords for reuniting to the Crown the Government of severall Colonies and Plantations in America and their Lordships having thereupon directed (as we are informed) that Councill be heard at their Bar tomorrow being Wednesday, as well in behalf of his Maj^{ty} as of the Proprietors concerned which will require that some person be appointed to follicite the same and furnish what shall be necessary towards the charge thereof on the Kings behalf, wee offer to yoar Lordships, that the Solliciter of the Treasury may be directed to take that care and furnish the necessary charge in affistance

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to

to M^r Randolph who has Orders to follow that matter we
are

My Lords Your Lord^{ps} most
 humble servants.

STAMFORD, MEADOWS, W^m BLATHWAYT,
JOHN POLLEXFEN, ABR: HILL
MAT: PRIOR

Whitehall
April the 29th 1701.

RANDOLPH TO TAKE AFFIDAVITS.

Colonial Records of North Carolina, Vol. I. p. 538.

Whitehall, June 11th 1701

M^r Randolph acquainting the Board that there is now no chance of passing this Session the Bill which has some while lain before the House of Lords for reuniting to the Crown the govern^t of several Colonies and Plantations in America And that several of the witnesses which he had now ready to have produced about that matter will not be here at another Session of Parliament, Their Lordships desired him to take all their Affidavits that may be material before a Master in Chancery and to lodge 'em here which he promised to do accordingly.'

RANDOLPH'S

¹ The Bill had been pushed forward by Randolph, Mr. Dudley and Mr. Blaſe, but defeated by the exertions of Sir Henry Athurſt. See letter of Sir Henry Athurſt to Fitz-John Winthrop, 10 July, 1701, in *Massachusetts Historical Society Collections, Sixth Series*, Vol. III, p. 75

The enmity existing between Sir Henry Athurſt and Mr. Dudley was not allayed by time. See *Some Correspondence between the Governors and Treasurers of the New England Company in London and the Commissioners of the United Colonies in America*, London, 1897, p. 92, for a letter of Mr. Joseph

RANDOLPH'S MEMORIAL RELATING TO HIS SERVICES &
SUFFERINGS.

Board of Trade, Plantations General, 5. (E. 13), 20 June 1701.

To the R^t Hon^{ble} the Lords Commissioⁿ for Trade.

The Memorall of Edward Randolph Esq^r Surveyor Generall of the Customes in all his Majesties Colonies, Provinces and Plantations on the Continent of America, and Islands Adjacent.

Your Lord^r were pleased to signify your Commands by M^r secretary Popples Letter to me (then in England) of the first of April 1697 to Give Your Lord^r from time to Time an Account of whatsoever I should Judg proper for Your Knowledge, in Order to his Ma^{ies} Service in any of those Colonies I should reside in, or through which I should pafs.

That in Pursuance thereof I have given your Lord^r in all my Letters from those Colonies &c. On the Continent of America, & Islands Adjacent, a true and Faithfull Account of Whatsoever I obſerved Proper for Your Lord^r Knowldg, in Order to his Majesties service.

That I have been Imprisoned 32 weeks in Bermuda for following your Lord^r Directions in Transmitting a particu-
lar ſtatē of the Administration of the Governours in those
Islands

Joseph Dudley to Sir William Aſhurſt. Governor of the Company. "Boston, New England Nov^r 15. 1710. I have been myſelf very unfortunate to be perfuſed with great diſpleaſure by S^r Henry Aſhurſt at all times, who I doubt is impoſed upon by ſome very few & men from hence, to talk of things which every body here ſmiles at as having no shadow of foundation, I heartily wiſh S^r Henry health, & a bleſſing upon his family & affuſe him he is equally bound to bleſſ mee and mine."



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Edward Randolph.

Islands as by the Annexed Copy of the Deposition relating thereto does appear.

That I have been at Great Charges in procuring, and fending your Lord^r Mapps, and Draughts of places most Necessary for your Lord^r Knowledge, which your Lord^r have been pleased to do me the Honour to Acknowledge, in Your Letter of the 27^o of July 1699. Sent to me During the Time of my Said Imprisonm^t and to put a Value upon my Services as usefull for Your Lord^r Information and also for the Generall Benefitt, and Advantage of the Trade of this Kingdome, Whereupon Your Lord^r did in y^e said Letter assure me of your readines upon all Occasions to do anything that might be proper for my Encouragm^t in his M^tties Service, with respect to my past Services, and 32 weeks severe Imprisonment in Bermuda.

I Humbly intreat your Lord^r favourable representation thereof to his Majesty, in such manner, as due consideration may be had to my Services and Sufferings abroad, and to my Attendance on your Lord^r when ever required, Since my Arrivall, as to his M^tties Goodness, and Wisdome may seem most reasonable.

All which is humbly Submitted
By

ED RANDOLPH. S : G.

Rec^d 20th June 1701.

[*Endorsed*] Memoriall.

RANDOLPH'S

RANDOLPH'S DRAFT OF DIRECTIONS TO BE GIVEN HIM BY
BOARD.

*State Papers, Board of Trade, Plantations General, Vol. 5. (E. 16). 24 July
1701.*

By the R^t Hono^{ble} the Lords Commissioners for Trade &
Plantations.

Wee doe herewith deliver to You a Duplicat of the Body
of his Maj^{ies} Instructions to the Govern^r of all his Ma^t
Colonyes and Plantations Requiring You where You shall
find any Faylure or Omission in any of them in their Ob-
servation thereof to give to Us & also to the Commiss^r of
His Maj^{ts} Customes an Acco^t thereof And likewise in case
any of the Navall Officers or Collectors of His Maj^{ts} Cus-
tomes in the said Colonyes or Plantations shall neglect their
Duty in the Execution of their Office That You doe in-
form Us & the Commiss^r of His Maj^{ts} Customes thereof That
all due Care may be forthwith taken for the Regulation of
the same.

July 24:
1701.

ED RANDOLPH.

[*Endorsed*] Draught of a L^ere of Directions
proposed by M^r Randolph to be
given to him by this Board.
Rec^d 26th } July
Read 30th } 1701.

MEMORIAL



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Edward Randolph.

MEMORIAL FROM M^r RANDOLPH AB^t THE ACTS OF TRADE

Board of Trade, Journal, Vol. 14. p. 407. 10 Apr. 1702.

Plan: Gen^l.

& Trade.

A Memorial from M^r Randolph shewing the Defects in the several Acts relating to Trade, & proposing a Method to render them more effectuall in the Plantations, was laid before the Board, and he was thereupon appointed to call on Tuesday next in order to the taking the same into Consideration.

ENDORSEMENT ONLY REMAINING.

State Papers, Board of Trade, Plantations General, Vol. 5. (E. 34).

[Endorsed]

Plan^{ng} Gen^l

Mem^r from M^r Randolph
shewing y^e Defects
in the several Acts
relating to Trade, and
proposing a Method to
render them more
effectual in the
Plantations.

Rec^d 10th } April
Read 13th } 1702.

vide Trade Bundle. E. N^o. 9.

RANDOLPH'S MEMORIAL.

Board of Trade, Trade Papers, No. 15. p. 427. 13 Apr. 1702.

Memorial from M^r Randolph shewing the Defects in the several Acts relating to Trade and Proposing a Method to render more Effectual in the Plantations.

SECRETARY

SECRETARY POPPLE TO SIR THOMAS LANE, KN^T &
ALDERMAN.

New Jersey Archives, First Series, Vol. II. p. 473.

Sir,

The Lords Commissioners for Trade and Plantations have ordered me to send you the inclosed Copies of Papers . . . I am also to acquaint you, that, upon their desire, Summons have been given them for Coll: Quarry, M^r Randolph, M^r Bass, and M^r Joshua Barkstead, to attend this Board on Wednesday next at ten a Clock in the Morning (the time already appointed for hearing what may be offered relating to Coll: Hamilton's being appointed Governour of New Jersey) And that if you desire Summons for any other persons to attend at the same time, they shall be sent to you. I am

&c.

W^m POPPLE.

Whitehal May 28th 1702.

WHITEHAL. JUNE THE 1ST 1702.

Board of Trade, Journal, Entry Book, Vol. 15. pp. 53-60.

[sic: some pp.
headed July 1st,
but this evidently
an error, since the
proceedings are
all those of June
1st]

At a Meeting of Her Majesty's Commissioners
for Trade and Plantations

Present: M^r Cecil, Sir Ph^e: Meadowes, M^r
Blathwayt, M^r Pollexfen, M^r Prior.

Pennsylvaⁿ: } Colonel Quary and M^r Penn attending
Quary. Penn } according to appointment in reference to
the Complaints of Irregularities in Pennsylvania, Their
Lordships proceeded in considering y^e Abstract of Articles
entered upon at their hearing the 19th of the last month.

The

The third of those Articles with M^r Penns answer to it, and Colonel Quarys Reply, were then read: Upon which M^r Penn readily acknowledged that he had given Commissions to two Sheriffs to be Water Baylifs; So that the Question (he said) remains only whether that power did belong unto him or to the Admiralty.

Colonel Quary offered that the Court of Admiralty is settled by Virtue of an Act past in the 7th and 8th years of the late King for preventing Frauds and regulating Abuses &c^a He desired that a Copy of one of those Commissions which was given to Thomas Farmer high Sheriff of Philadelphia County [and is Proprie^t F. N^o 60] might be read, which was accordingly done: And he complained that not only by that, but by the General practice of the Government there, in bringing all Tryals relating to Breaches of the A^ets for Trade into the Courts of the Country M^r Penn had assumed all the Powers of his Admiralty Commission and that the intent of the foresaid Act of Parliam^t was frustrated: And in proof of their bringing those causes into their Courts, he desired that M^r Robert Ashtons Letter to M^r Penn of the 17th Decemb^r 1701 [which is Pennsylvania I N^o 20] might be read; which w^s done accordingly.

He next Shewed to the Board part of a Letter from M^r John More & to himself, concerning the favour shewn by by [sic] Government of Pennsylvania to one Righton the Master of a Vessel who had been divers times concerned in carrying on illegal Trade: And in Testimony of Rightons practices of that kind, he appealed to M^r Randolph & M^r Bass here present, who confirmed the same, and particularly instanced his having formerly been brought up to Burlington in West Jersey,

Jersey, and there favoured in like manner by Colonel Hamilton.

To these things M^r Penn answered that he had advised with the best Lawyers, and had been told by them that the Commissions granted by him to Water Bayliffs are within the powers of his patent, and that in many cases the proceedings in pursuance of the Powers given by Admiralty Commissions are reversible by Common law; And he therefore desired that Council on both sides Civilians and common Lawyers may be heard, and the Boundaries of these Jurisdictions fully settled, before any resolution be taken upon this head.

He added that notwithstanding his right, he had been so desirous of keeping faire with Colonel Quary, that upon his first Complaint of this Water Bayliff Commission he had checked the officer and recalled the Commission; so that no further Commission have been made upon it.

The fourth Article of the Abstract of Complaints together with M^r Penns answer and Colonel Quarys Reply, was then read; Whereupon Col: Quary after having referr'd himself to the Addresses from the Representatives of the three lower Counties [pennsylvania I N^o 7 and N^o 1] he represented y^e necessity of a settled Militia, from the Example of her Majesty's other Governments on the Continent of America, and said that without it the Country cannot be safe either against Pirates by Sea, or the Incursions of Indians or Enemies by Land: and in confirmation of that opinion he laid before the Board a Deposition made by M^r Robert Snead the 26th of November last before Colonel Nicholson in Virginia.

To this M^r Penn replied that they are in no fear of an Enemy by land, because the Queens Colonies do lye between them and the French and that the best Security for all the Plantations by Sea as well against Enemies as Pirates is Shipping.

And whereas it was objected to him that the Government of Pennsylvania had been restored to him upon Condition that he should settle a Militia for the Security of it, he absolutely denied that he ever made any promise to do so: But acknowledged that he promised to use his Endeavours towards the procuring a Quota of Assistance for New York, which he did accordingly and Succeeded in it.

As to the settling [*sic*] a Militia he further added that the Commissions given by Colonel Fletcher are stil [*sic*] in force, and that before his coming away from thence he called several of the Captains before him, and asked them why they did not execute their Commissions.

The fifth Article of the foresaid Abstract, answer and reply were then read; which relating to the Indians, Col: Quary affirmed that he himself was an Eye Witness of a great many Strange Indians coming from M^r Penn to desire a Settlement in that Government, & that one of those Nations had formerly resided in the Government of Maryl^d but complained that upon Suspicion of their having killed some English they had been unkindly used there, and that M^r Penn replied that if they had been guilty of killing any English, he could not protect them, but if not they should be welcome.

To this M^r Penn answered that all the several Nations of Indians here mentioned by Colonel Quary do not in whole amount

amount to 300: And for a more particular account of that Transaction he refer'd himself to the Indenture of agreement he made with them [Proprieties I N^o. 21.] To his written answer to this article; and to a Letter from one Monsieur le Tont a French man who has lived many years in that Country, which he now left with the Board for their Consideration.

Ordered that both Parties attend again on Thursday morning next, in order to the further Consideration of these matters.

REPLY OF SEVERAL OF THE PROPRIETORS OF NEW JERSEY
TO THE COMPLAINTS AGAINST ANDREW HAMILTON.

[Extract.]

New Jersey Archives, First Series, Vol. II. p. 475.

Coll: Hamilton was Governour of these two Provinces for the Space of nine or Ten years to the good liking of Prop'r's and people. . . . We have heard that one Randolph (a noted Enemy to Coll: Hamilton) did Some time agoe Exhibit to the Right Honorable the House of Lords a Complaint and accusation against the Said Colonel and others about Illegal Trade, and we heard he was So farr from making good any Such accusation that it was Thrown out as Groundles, which we believe to have come under the Notice of this Hono'ble Board, and his now accusers were So farr from accusing him whilst he was here, that they Joyned with us in Application to your Lordships, for his approbation. . . . [June 3^d 1702.]

EDWARD



EDWARD RANDOLPH TO BOARD OF TRADE.

Board of Trade Proprieties, Vol. 6. K. 5. 16 June, 1702.

Articles aga^t William Penn Esq^r pretended Governo^r of the three Lower Counties on Delaware Bay in America.

1^o He assumes y^e Governm^t of y^e three Lower Counties haveing no Legall right or power so to do.

2^o He lays Taxes & Levies Money upon her Ma^{ts} Subjects Inhabiting there, & Enacts Customs & lays 8^d p Tunn upon all fforeign Vessells which is destructive to y^e Trade of England, whilst y^e Inhabitants ship off great quantities of Tobacco yearly from thence to Scotland. directly.

3^{ly} He has not qualifyed himself to be Governo^r by being first allowed of by his late Ma^{ys} Order in Councill befor [sic] he enter'd upon the Governm^t of his Province, as by the Act for preventing frauds & regulating Abuses in y^e Plantaⁿtion Trade, made in the 7th & 8th of his Late Ma^y

4^{thly} He hath (Since he went over last to his Province) made Laws destructive, & Repugnant to the Acts of Trade & Navigation, But for y^e Encouragm^t of Illegall Traders.

5^{ly} He hath assumed to himself y^e third part of all penalties, and fforfeitures Granted to her Ma^y her Heirs and Successo^r by the said Act for preventing ffrauds &c. which were not before particularly disposed of in y^e said Act..

6^{ly} His late Governo^r M^r Markham hath also assym'd to himself her Majesties third part of two fforfeitures and converted them to his Own Use.

7^{ly} The s^r Markham did on y^e 30th of July 1689 illegally & arbitrarly Imprison the Surveyor Gen^r of her Ma^{ts} Customs,
&

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& threatned to keep him a Close prison: untill he had deliver'd up to the said Markham y^e Plantacon Bond of 1000^l enter'd into by John Deplovey Merch^{ant} in Philadelphia, who was security w^t Stephen Blackleech M^r of y^e Briganteen George of New England forfeited for breach of y^e Acts of Trade. By which means y^e prosecucon aga^t Deplovey (who was then a man of good Estate, but since insolvent) is wholly stopt, Her Ma^y looses the Debt & y^e Bond is deliver'd up to y^e said Markham by the prosecuto^r before he could be set at Liberty.

All which is humbly Submitted by
ED RANDOLPH S: G:

June: 16: 1702:

[*Endorsed.*] Pennsylvania
Mem^r from M^r Randolph
containing Articles of
Complaints against
M^r Penn

WHITEHAL. JUNE 17TH 1702.

Board of Trade, Journal, Entry Book, Vol. 15. pp. 90-91.

At a meeting of her Majesty's Comm^r for Trade and Plantations.

Present: M^r Cecil, Sir Ph^e Meadowes, M^r Blathwayt, M^r Pollexfen, M^r Prior.

M^r Randolph laid before the Board, a Paper of
Pennsylvan^a,
M^r Randolph's
Papers against
Mr Penn } Articles against M^r Penn, which were read: And
the last of those Articles relating to M^r Markham's Imprisoning M^r Randolph in the year 1689, until he had



had delivered up to him a Plantation Bond of 1000[£]. was confirmed by Col. Quary here present: Whereupon ordered that when M^r Penn comes next to this Board, he be asked concerning the State of that matter, and where the Said Bond now is.

SURVEYOR GENERAL RANDOLPH TO THE LORDS OF TRADE,
ADVERSE TO ANDREW HAMILTON.

New Jersey Archives, First Series, Vol. II. p. 481. 18 June 1702.

A Paper from M^r Randolph containing Complaints ag^t:
Coll: Hamilton Gov^r of West New Jersey, with relation to
illegal Trade.

To the Right Hon^{ble} the Lords Comm^r for Trade
May it please y^r Lord^s!

That during the time of my Survey in the Severall Colonys & plantations made in y^e year 1695: I found in the Bookes of James Williams the Collector of y^e Customs in y^e Province of Pennsilvania an Entry, viz: 1695: William Wrighton M^r of the William & Mary: of London. bound to New Castle in Eng^d with 180: Hogg^d of tobacco aboard: but he went directly to Scotland. Wrighton at his return to pennsilvania imported 30: or 30 [sic] Tuns of Scotch Cole from Scotland: & in his way going up with them aboard to Burlington was seized by Cap Thomas Meech Command^r of a finall vessell Sett out by Coll Nicholson Gou^r of Maryland with power to seize all illegal Traders. Coll: Andrew Hamilton then Gov^r of W: New Jersey denied Meechs power to seize: afterwards Edw^d Hunlock whom

whom I deputed Coll: of that province seized her but did not prosecute her because Coll Hamilton had upon a petition of Maurice Trent y^e Owner & with Wrighton the M^t of y^e William & Mary Briganteen setting forth that y^e french tooke their Clerings for the Cole in Liverpool Eng^d: from them at Sea permitted the Vessel to be apprized: & accepted of their Bond to produce Certificates thereof in a yeares Tyme It appeares by Hunlocks letter to me that there was a Bond given by Trent to Wrighton & by the Copy of my letter to Hunlock to prosecute the Bond but I find no reasen for their Giving such a Bond but to gett their vessel free from the prosecution.

About y^e year 1698, I disputed Coll: Basse, then the Gov^r of the Jerseyes to demand the Bond of Coll Hamilton & to putt it in Suit. But he told him that if he had the Bond I should not have it nor would he deliver it to any I should order to receive it. which Coll Basse when demanded will make appear.

Coll Hamilton has destroyed a Bond of about 200£ to the King: which he is certainly accountable for to his Ma^{ie}. This I certify as farr as I have discovered out of Cap Meech's Journall & other papers relating to the Brigant William & Mary

J. [E] RANDOLPH: S: G:

18: June 1702

EDWARD



EDWARD RANDOLPH'S WILL.

Historical Papers, by C. W. Tuttle, p. 280.

In the name of God, amen. This fifteenth day of June, in the yeare of our Lord one Thousand seaven hundred and two, I, Edward Randolph, Esq^r, Surveyour-Gen^l of Her Ma^{tis} Customes in all her Plantations and Colonies in America, sound of body and memory, thanks be given to Allmighty God for all his mercies, yet nevertheless taking into my serious consideration the frailty of human life, and being about to make my seaventeenth sea-voyage to America, doe make this my last Will and Testament in manner and forme following. After having comended my soul, body, and estate to the mercies and protection of Allmighty God, hoping for salvation at my dissolution through the merits of my blessed Lord and Saviour Jesus Christ, I dispose of my temporall estate wherewith it hath pleased God to bless me, as followeth; viz. I doe hereby give and bequeath unto my youngest daughter, Sarah Randolph (whoe is otherwise unprovided for), all such summe and summes of money as are or shall be due to me of my fallary as Surveyor-General, payable from the Commissioners of Her Ma^{tis} Customes for the time being, and which I have not allready given to my daughter Williams or to my daughter Deborah Randolph, which said salary is usually received and paid for me by my Worthy friend Richard Savage, Esq^r. And in case it should please God that my said daughters Williams and Deborah, or either of them, shall happen to dye in the life-time of my said daughter Sarah, then I doe will and bequeath such parte and parts of my said fallary as I have ordered to be paid to them,

them, or either of them, to be thenceforth paid to my said daughter Sarah ; and I doe also give and bequeath unto my said daughter Sarah all my plate which I leave in the hands of my loving friend Mr. Edward Jones of the Savoy, and all such summe and summes of money as is or shall be recovered for my use of Gilbert Nelson, late Chiefe Justice of the Island of Burmuda, whether the same be in the hands of Mr. Samuell Spofforth or any other person whomsoever, and all such summes of money as shall be recovered for my use of George Plater, Esq^r, living in Potuxent, in the province of Maryland, and which the said Plater hath or may receive for my use of Samuell Willson or any other person, and all and singular debts due and payable, or which shall be hereafter due or payable to me. But in case my said daughter Sarah shall happen to depart this life before she attaine the age of eighteen years, and be married (which I enjoine and require her not to doe without the consent and approbation of Mrs. Mary Fog, and Nathaniell Bladen of Lincoln's Inn, Esq^r, thereunto in writing first had and obtained), then I will that my daughter Elizabeth Pim, and (if she be dead) her son Mr. Charles Pim, or her and his children, shall have all that is herein bequeathed to my said daughter Sarah. But if neither my said daughter Pim, nor her said son Charles, nor any child or children of hers or his shall be living, then I will that whatsoever I have herein bequeathed to my said daughter Sarah shall go to my daughters Williams and Deborah and their children equally, and I doe hereby constitute and appoint my said daughter Sarah sole executrix of this my last will and Testament, by these presents revoking and annulling all former wills by me made heretofore
and



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Edward Randolph.

and declared by word or writing, and this only to be taken
for my last will and Testament.

In witness whereof I have hereby declared and published
this to be my last will and Testament, the day and yeare
above written in the presence of Humphrey Walcot, Gent.,
Mrs. Catherine Bladen, and Nathaniel Bladen.

E. Randolph - S.-G.

Witness, Humphrey Walcott,
Catherine Bladen,
Nathaniel Bladen.

7 Dec. 1703. Administration to Sarah, wife of John
Howard, Guardian assigned to Sarah Randolph, a minor,
dau' and Executrix named in the Will of Edward Randolph,
late of Acquamat in Virginia, deceased.

WHITEHAL. JUNE 24TH 1702.

Bourn of Trade, Journal, Vol. 15. p. 100.

At a Meeting of her Majesty's Commⁿ for Trade and Plan-
tations.

Present: Lord Viscount Weymouth, Lord Dartmouth,
M^r Cecil, Sir Ph. Meadowes, M^r Blathwayt, M^r Pollexfen,
M^r Prior.

Pennsylva.
Quary,
Lre to Earl of
Nottingham.

A Letter to the Earl of Nottinghā relating to
Colonel Quary's Services &c^r pursuant to the
Directions given yesterday, was Signed and Sent.

A

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Ltr to Colonel Quary. A Letter to Colonel Quary, relating to the Address of the Representatives of the three Lower Counties adjoining to Pennsylvania, was signed, and delivered to M^r Bas^s, who called for it by Colonel Quary's Order.

Plan^s Gen^l Randolph. M^r Randolph acquainted the Board that he is now vpon his Departure for America, and desired that he may be favourably remembered in case any opportunity offer of procuring him some Imployment which may afford him a Competent Subsistence in England; Whereupon their Lordships assuring him of their readiness to assist him as may be proper for them, desired him in his absence from hence to continue his Correspondence as formerly.

COL. F. NICHOLSON TO THE BOARD. [UNDATED.]

Board of Trade, Virginia, Vol. 10. K. 1, 1703.

(Postscript.)

Edward Randolph Esq^r dyed in April last, on y^e eastern shore. I have given y^e hon^{ble} Col. Robert Quary an acc^t thereof, and I hope to see him here next moneth, in order to examine the accompts &c. of y^e Collectors and naval Officers. I'm in great hopes y^e hon^{ble} Commissin^r of her Maj^y Customs will think him a proper person in all respects to succeed Esq^r Randolph as surveyor general of her Maj^y customs in this Continent of America. And I'm an humble Intercessor to yo^r Lordships on his behalf

Concerning ye death of Edward Randolph Esq^r, and an humble proposal and request that Col. Robert Quary may succeed in ye surveyor genlls place, and if necessary, yt a bond be given for his good behavior by me F. N.

half for y^e f^t place: and for his good behaviour &c. in it, a Bond, if required, shall be given by

Fr: NICHOLSON.

[Endorsed]

Virginia
Lre from Col. Nicholson to the Board,
of [blank] 1703.
Rec^d Oct 5th 1703.
Read 8th D^r
Rec^d by Christop^r Fogg
Com^{dr} of the Falmouth.

WHITEHALL. OCTOBER 11TH 1703.

Board of Trade, Journal, Vol. 16. p. 213.

At a meeting of Her Majesty's Commⁿ for Trade &
Plantations.

Present: Lord Dartmouth, M^r Cecil, S^r Ph^r: Meadowes,
M^r Blathwayt, M^r Pollexfen

Ordered that a Copy of that part of Colonel Nicholsons
Lre without Date, which relates to the Death of
Virginia. Randolphs Death. M^r Randolph, be sent to M^r Sansom to be laid
before the Commⁿ of the Customes.

[See *B. T. Virginia, Vol. 10. K. 1.*]

M^r SANSOM TO W^m POPPLE.

Board of Trade, Virginia, Vol. 10. K 22. 14 Oct. 1703.

S:

I have Communicated to the Commⁿ your Letter of the 12th inst: with the Extract of a Letter from Colonel Nichollson Governor of Virginia Recommending Col^r Quarry to Succeed M^r Randolph as Survey^r Generall of her Ma^r Cuf
tomes,

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tomes, upon the Continent of America. And am Directed to Acquaint you, That this Board has had Long Experience of the Ability and Desert of Col Quarry, And had so good an Esteem of his Services Relating to this Revenue, That before the Receipt of your said Letter, They had Resolved to Present him to that Employment, And accordingly a Presentment is Prepared and Lodg'd at the Treāry Chambers against my Lord Treār comes to Towne.

I am

S:

Your most humble Servant

IN. SANSOM.

Custome house London
14th October 1703.

[Endorsed]

Virginia.

Trē from M: Sansom in Answer
to one writ him the 12 instant, relating
to Colonel Quary. Dated the 14 ditto 1703.
Rec^d the 18 October } 1703.
Read 20 " }

To Willm Popple Esq: Secry to the R^e Hono^{bis} the Lords Commⁿ for Trade
& Plantations.

COL. QUARY TO THE COMM^N OF THE CUSTOMS.

Board of Trade, Plantations General, Vol. 7. F. 38. 15 Oct. 1703.

May it Please your Hon^r:

Inclosed is the copy of my last from Pensilvania of y^e 4th
August; since w^c I haue travelled through y^e Province of
Maryland and visittid all the officers in y^e severall Rivers
on the Western Shore in that Governm^t

I



I have in my former laid before your Hon^r y^e state of her Majties Revenue in Pensilvania for about nine or ten years past. I shewed what part of it hath been received by M^r Randolph, and what remains still in y^e hands of y^e former Collect^r and others of w^{ch} I have full proove: nothing hinders y^e recovering y^e mony, which is considerable, but your Hon^r orders & a person impowered as her Maj^{ties} Atturney Gen^r to discharge y^e party, y^e want of which is y^e only pretence they have to keep her Majties mony so long in their hands: this I have fully represented to your Hon^r, and therefore will not take up your time now. I likewise acquainted your Hon^r y^t M^r Penns Navall Officers do refuse to deliver me y^e forfeited Bonds, y^t I might put them in suit for y^e Queen, under pretence y^t they want an ord^r from yo^r Hon^r. I think my self sufficiently qualifed to demand them *ex officio*, as I am impowered by your Hon^r as yo^r Surveyor Gen^r; but they are pleased to make use of this shuffle to delay time, knowing y^t some of their friends are concerned and will be brought on y^e stage when some of those Bonds are put in suit.

M^r Randolph's Papers are dispersed in sev^r Places of y^e Country: I will endeavour to collect them. Yo^r Hon^r were pleased to send over severall pair of stilliards for weighing Tob^r; they are also very much dispersed, but not where they ought: I will take care y^t they be disposed of where most for her Majties service.

M^r Randolph since his last coming over seized two ships without y^e least ground y^t I could find; one in Maryland, which was cleared and y^e owners sued him for damage; the other a little before his death on y^e Eastern Shore in Virg^a.

I have examined into y^e matter and can't find y^e least Culler for it: the pretence was a pcell of Irish Linnen for which there is a true and full Certificate y^t y^e duty was paid in England.⁸

I will not trespass further on your Hon^r time, but refer to my next and beg leave to subscribe myself

Your Hon^r
Most obedient Humble Serv^t

ROB^r QUARY.

Virg^a Octob^r y^e 15th

1703.

[*Endorsed*]

(1.) My Letter to the Hon^r the Comis^r of her Maj^{ies} Customes of the 15th 8^{ber} 1703.

(2.) Plantat: Gen^r

Copy of a Lre from Col: Quarry to the Comm^r of the Customs, with an acc^t of his Proceedings in his Progres thro' Maryland & Virginia; dated in Virg^a the 15 Octob : 1703.

referred to in his Lre to the Board of 15 October last.

Rec^d 9 Decem^r } 1703.
Read 16th Feb^r }

COLONEL

* In the *Records of the Court of Assistants of the Colony of Massachusetts Bay*, Vol. II., now in pres^s under the able supervision of John Noble, Esq., who has kindly allowed the proof sheets to be examined, several cases are reported, the Assistants sitting as a Court of Appeals or a Court of Admiralty, which have been mentioned in the first volume of the present work under the years 1680, 1682, 1683. In each case judgment was given against Randolph as royal Collector, and against Bernard Randolph acting as Deputy Collector. See pages 160, 209, 210, 219, 220, 230. On page 220, under

date of 14 September, 1682, is the following entry: "The Goū & magists voted that the bills of Costs &c. ag^t m^r Randolph should be suspended till the Councill take further ord." On page 298, under date of 15 April, 1686, about a month before Joseph Dudley assumed the office of President by royal appointment, the charter of the Colony having been annulled, there are entries relating to Samuel Shrimpton, who had denied the legal existence of the Court of Assistants. The case against him seems to have been terminated by the dissolution of the Charter government.

COLONEL QUARY TO THE LORDS OF TRADE.

[Extract.]

New Jersey Archives, First Series, Vol. III. p. 7.

I do most humbly beg your Lordsp's favour in recommending me to y^e Hon^{ble} y^e Commiss^r of her Majties Cus-
toms, and to y^e R^t Hon^{ble} the Lord High Treasur^y: I may
Succeed M^r Randolph as Survey^r Gen^l of North America, the
duty of which place I have discharged ever since I returned
last to America, by virtue of a power from y^e Hon^{ble} y^e Com-
miss^r 'tho I have not had y^e fallery belonging to it, which will
be a comfortable subsistence, and enable me y^e better to dis-
charge y^e duty of your Lordsp's Comissary in all these Ameri-
can Governm^t which I will always endeavour to do with
all y^e faithfullness imaginable.

I have here sent your Lordsp's y^e minutes of her Majesties
Council for y^e Jerseys.

Virg^a Octob^r y^e 15th 1703.

Right Hon^{ble}

Yo^r Lordf^r'ps most obed^t humble servant

ROB^r QUARY

I humbly request y^e your Lordsp's will please to order m
a supply of Paper Pens Ink wax &c I am often distrest f
want of them in these parts.

REL/

RELATING TO RANDOLPH'S DEATH.

Board of Trade, Journal, Vol. 16. p. 237. 20 October, 1703.

A Letter from M^r Sansom of the 14th instant, in answer to
Virginia.
Pennsylva
Lre from Mr
Sansom.
Randolph.
Quary. what writ to him the 12th with the Extracts of
Col. Nicholsons Lre relating to M^r Randolph's
Death and Colonel Quarys succeding him in the
Place of Surveyor General of Her Majesty's Customes on
the Continent of America, was read: Whereupon Ordered
that Copies of both the said Lre & Answer be sent to Col.
Nicholson and to Colonel Quary vpon the first occasion of
writing to them.





ERRATA.

Vol. I. p. 45, note 111. *Massachusetts Historical Society Proceedings*, Fourth Series, should read *Massachusetts Historical Society Collections*, Fourth Series.

Vol. II. p. 97, note 220, l. 17. "I believed the clause in his [Andros's] commission referring to patenting of lands did intend and concerne the great waste of undisposed lands and not the patenting of ancient possessions. I have openly spoken against the grant of Lynn and Cambridge Common and particularly the grant of Charlestown Common. Concerning the war at the eastward I did represent my opinion to bee that wee were not able to support a great force, that it were better to put the rebels heads at a good value and to employ the Maquas [Mohaws] and English volunteers to hunt for them at such a price." *Massachusetts Historical Society Collections*, Eighth Series, Vol. III. p. 501, should read "I . . . believed the clause in his [Andros's] Commission referring to patenting of lands did intend and concerne the great waste of undisposed lands . . . not . . . the patenting of antient possessions . . . I have openly spoken against the graunt of Lynn and Cambridge Common . . . and did certainly prevent those graunts and particularly the graunt of Charlestown Common . . . [concerning the war at the Eastward] I did represent my opinion to bee that wee were not able to support a great force ; that it were better to putt the rebels heads at a good value and to employ the Maquaes [Mohaws] and English voluntiers to hunt for them at such a price . . ." *Massachusetts Historical Society Collections*, Sixth Series, Vol. III. pp. 505, 506.





THE PRINCE SOCIETY.



1899.



Commonwealth of Massachusetts.

**IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR.**

AN ACT TO INCORPORATE THE PRINCE SOCIETY.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. John Ward Dean, J. Wingate Thornton, Edmund F. Slater, and Charles W. Tuttle, their associates and successors, are made a corporation by the name of the PRINCE SOCIETY, for the purpose of preserving and extending the knowledge of American History, by editing and printing such manuscripts, rare tracts, and volumes as are mostly confined in their use to historical students and public libraries.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding thirty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1874.

NOTE. — The Prince Society was organized on the 25th of May, 1858. What was undertaken as an experiment has proved successful. This ACT OF INCORPORATION has been obtained to enable the Society better to fulfil its object, in its expanding growth.



THE PRINCE SOCIETY.

CONSTITUTION.

ARTICLE I.—This Society shall be called THE PRINCE SOCIETY; and it shall have for its object the publication of rare works, in print or manuscript, relating to America.

ARTICLE II.—The officers of the Society shall be a President, four Vice-Presidents, a Corresponding Secretary, a Recording Secretary, and a Treasurer; who together shall form the Council of the Society.

ARTICLE III.—Members may be added to the Society on the recommendation of any member and a confirmatory vote of a majority of the Council.

Libraries and other Institutions may hold membership, and be represented by an authorized agent.

All members shall be entitled to and shall accept the volumes printed by the Society, as they are issued from time to time, at the prices fixed by the Council; and membership shall be forfeited by a refusal or neglect so to accept the said volumes.

Any person may terminate his membership by resignation addressed in writing to the President; provided, however, that he shall have previously paid for all volumes issued by the Society after the date of his election as a member.

ARTICLE IV.—The management of the Society's affairs shall be vested in the Council, which shall keep a faithful record of its proceedings,



proceedings, and report the same to the Society annually, at its General Meeting in May.

ARTICLE V.—On the anniversary of the birth of the Rev. Thomas Prince, namely, on the twenty-fifth day of May, in every year (but if this day shall fall on Sunday or a legal holiday, on the following day), a General Meeting shall be held at Boston, in Massachusetts, for the purpose of electing officers, hearing the report of the Council, auditing the Treasurer's account, and transacting other business.

ARTICLE VI.—The officers shall be chosen by the Society annually, at the General Meeting; but vacancies occurring between the General Meetings may be filled by the Council.

ARTICLE VII.—By-Laws for the more particular government of the Society may be made or amended at any General Meeting.

ARTICLE VIII.—Amendments to the Constitution may be made at the General Meeting in May, by a three-fourths vote, provided that a copy of the same be transmitted to every member of the Society, at least two weeks previous to the time of voting thereon.



C O U N C I L.

RULES AND REGULATIONS.

1. THE Society shall be administered on the mutual principle, and solely in the interest of American history.
2. A volume shall be issued as often as practicable, but not more frequently than once a year.
3. An editor of each work to be issued shall be appointed, who shall be a member of the Society, whose duty it shall be to prepare.

pare, arrange, and conduct the same through the press ; and, as he will necessarily be placed under obligations to scholars and others for assistance, and particularly for the loan of rare books, he shall be entitled to receive ten copies, to enable him to acknowledge and return any courtesies which he may have received.

4. All editorial work and official service shall be performed gratuitously.

5. All contracts connected with the publication of any work shall be laid before the Council in distinct specifications in writing, and be adopted by a vote of the Council, and entered in a book kept for that purpose ; and, when the publication of a volume is completed, its whole expense shall be entered, with the items of its cost in full, in the same book. No member of the Council shall be a contractor for doing any part of the mechanical work of the publications.

6. The price of each volume shall be a hundredth part of the cost of the edition, or as near to that as conveniently may be ; and there shall be no other assessments levied upon the members of the Society.

7. A sum, not exceeding one thousand dollars, may be set apart by the Council from the net receipts for publications, as a working capital ; and when the said net receipts shall exceed that sum, the excess shall be divided, from time to time, among the members of the Society, by remitting either a part or the whole cost of a volume, as may be deemed expedient.

8. All moneys belonging to the Society shall be deposited in the New England Trust Company in Boston, unless some other banking institution shall be designated by a vote of the Council ; and said moneys shall be entered in the name of the Society, subject to the order of the Treasurer.

9. It shall be the duty of the President to call the Council together, whenever it may be necessary for the transaction of business, and to preside at its meetings.



10. It shall be the duty of the Vice-Presidents to authorize all bills before their payment, to make an inventory of the property of the Society during the month preceding the annual meeting and to report the same to the Council, and to audit the accounts of the Treasurer.

11. It shall be the duty of the Corresponding Secretary to issue all general notices to the members, and to conduct the general correspondence of the Society.

12. It shall be the duty of the Recording Secretary to keep a complete record of the proceedings both of the Society and of the Council, in a book provided for that purpose.

13. It shall be the duty of the Treasurer to forward to the members bills for the volumes, as they are issued ; to superintend the sending of the books ; to pay all bills authorized and indorsed by at least two Vice-Presidents of the Society ; and to keep an accurate account of all moneys received and disbursed.

14. No books shall be forwarded by the Treasurer to any member until the amount of the price fixed for the same shall have been received ; and any member neglecting to forward the said amount for one month after his notification, shall forfeit his membership.





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Eben Dale Sutton Reference Library	Peabody, Mass.
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PUBLICATIONS OF THE SOCIETY.

NEW ENGLAND'S PROSPECT.

A true, lively and experimentall description of that part of *America*, commonly called New England : discovering the State of that Countrie, both as it stands to our new-come English Planters; and to the old Native Inhabitants. By WILLIAM WOOD. London, 1634. Preface by Charles Deane, LL.D. pp. 131. Boston, 1865.

THE HUTCHINSON PAPERS.

A Collection of Original Papers relative to the History of the Colony of Massachusetts-Bay. Reprinted from the edition of 1769. Edited by William H. Whitmore, A.M., and William S. Appleton, A.M. 2 vols. Vol. I. pp. 324. Vol. II. pp. 354. Albany, 1865.

JOHN DUNTON'S LETTERS FROM NEW ENGLAND.

Letters written from New England A.D. 1686. By John Dunton, in which are described his voyages by Sea, his travels on land, and the characters of his friends and acquaintances. Now first published from the Original Manuscript in the Bodleian Library, Oxford. Edited by William H. Whitmore, A.M. pp. 340. Boston, 1867.

THE ANDROS TRACTS.

Being a Collection of Pamphlets and Official Papers issued during the period between the overthrow of the Andros Government and the establishment of the second Charter of Massachusetts. Reprinted from the original editions and manuscripts. With a Memoir of Sir Edmund Andros, by the editor, William H. Whitmore, A.M. 3 vols. Vol. I. pp. 215; 1868. Vol. II. pp. 340; 1869. Vol. III. pp. 257; 1874. Boston.

SIR WILLIAM ALEXANDER AND AMERICAN COLONIZATION.

Including three Royal Charters, issued in 1621, 1625, 1628; a Tract entitled an Encouragement to Colonies, by Sir William Alexander, 1624; a Patent, from the Great Council for New England, of Long Island, and a part of the present State of Maine; a Roll of the Knights Baronets of New Scotland; with a Memoir of Sir William Alexander, by the editor, the Rev. Edmund F. Slafter, D.D. pp. 283. Boston, 1873.

JOHN WHEELWRIGHT.

Including his Fast-day Sermon, 1637; his *Mercurius Americanus*, 1645, and other writings; with a paper on the genuineness of the Indian deed of 1629, and a Memoir by the editor, Charles H. Bell, LL.D. pp. 253. Boston, 1876.

VOYAGES OF THE NORTHMEN TO AMERICA.

Including extracts from Icelandic Sagas relating to Western voyages by Northmen in the tenth and eleventh centuries, in an English translation by North Ludlow Beamish; with a Synopsis of the historical evidence and the opinion of Professor Rafn as to the places visited by the Scandinavians on the coast of America. Edited, with an Introduction, by the Rev. Edmund F. Slafter, D.D. pp. 162. Boston, 1877.

THE VOYAGES OF SAMUEL DE CHAMPLAIN.

Including the Voyage of 1603, and all contained in the edition of 1613, and in that of 1619; translated from the French by Charles P. Otis, Ph.D. Edited, with a Memoir and historical illustrations, by the Rev. Edmund F. Slafter, D.D. 3 vols. Vol. I. pp. 340; 1880. Vol. II. pp. 273; 1878. Vol. III. pp. 240; 1882. Boston.

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NEW ENGLISH CANAAN OF THOMAS MORTON.

Containing an abstract of New England, composed in three books. I. The first setting forth the Originall of the Natives, their Manners and Customes, together with their tractable Nature and Love towards the English. II. The Natural Indowments of the Countrie, and what Staple Commodities it yieldeth. III. What People are planted there, their Prosperity, what remarkable Accidents have happened since the first planting of it, together with their Tenents and practice of their Church. Written by Thomas Morton of Clifffords Inne, Gent, upon ten Years Knowledge and Experiment of the Country, 1632. Edited, with an Introduction and historical illustrations, by Charles Francis Adams, Jr., A.B. pp. 381. Boston, 1883.

SIR WALTER RALEGH AND HIS COLONY IN AMERICA.

Containing the Royal Charter of Queen Elizabeth to Sir Walter Ralegh for discovering and planting of new lands and countries, March 25, 1584, with letters, discourses, and narratives of the Voyages made to Virginia at his charge, with original descriptions of the country, commodities, and inhabitants. Edited, with a Memoir and historical illustrations, by the Rev. Increase N. Tarbox, D.D. pp. 329. Boston, 1884.

VOYAGES OF PETER ESPRIT RADISSON.

Being an account of his travels and experiences among the North American Indians from 1652 to 1684, transcribed from Original Manuscripts in the Bodleian Library and the British Museum. Edited, with historical illustrations and an Introduction, by Gideon D. Scull. pp. 385. Boston, 1885.

CAPTAIN JOHN MASON, THE FOUNDER OF NEW HAMPSHIRE.

Including his Tract on Newfoundland, 1620, the American Charters in which he was a Grantee, with Letters and other Historical Documents; and a Memoir by the late Charles W. Tuttle, Ph.D. Edited, with historical illustrations, by John Ward Dean, A.M. pp. 492. Boston, 1887.

SIR FERDINANDO GORGES AND HIS PROVINCE OF MAINE.

Including his Tract entitled A Brief Narration, 1638, American Charters granted to him, and other papers; with historical illustrations and a Memoir by James P. Baxter, A.M. 3 vols. Vol. I. pp. 268; 1890. Vol. II. pp. 270; 1890. Vol. III. pp. 353; 1890. Boston.

ANTINOMIANISM IN THE COLONY OF MASSACHUSETTS BAY.

Including the Short Story and other documents, 1636-1638. Edited by Charles Francis Adams. pp. 415. Boston, 1894.

JOHN CHECKLEY, OR THE EVOLUTION OF RELIGIOUS TOLERANCE IN MASSACHUSETTS BAY.

Including Mr. Checkley's Controversial Writings; his Letters and Other Papers; his Presentment on the Charge of a Libel for Publishing a Book; his Speech at his Trial; the Hon. John Read's Plea in Arrest of Judgment; and a Bibliography of the great Controversy on Episcopacy by the Ministers of the Standing order and the Clergy of the Church of England, 1719-1774. With historical illustrations and a Memoir by the Rev. Edmund F. Slaster, D.D. 2 vols. Boston, 1897.

EDWARD RANDOLPH.

Including his Letters and Official Papers from the New England, Middle, and Southern Colonies in America, with Other Documents Relating chiefly to the Vacating of the Royal Charter of the Colony of Massachusetts Bay, 1676-1703. With Historical Illustrations and a Memoir by Robert Noyon Toppin, A.M. 5 vols. Vol. I. pp. 328; Vol. II. pp. 337; 1898. Vol. III. pp. 365; Vol. IV. pp. 326; Vol. V. pp. 336. Boston.

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VOLUMES IN PREPARATION.

1. SAMUEL MAVERICK, including his Description of New England, Letters and other papers, with historical illustrations and a Memoir by Frank W. Hackett, A.M.
2. SIR HUMPHREY GILBERT, including his Discourse to prove a Passage by the North-West to Cathaya and the East Indies ; his Letters Patent to discover and possess lands in North America, granted by Queen Elizabeth, June 11, 1578. With historical illustrations and a Memoir, by the Rev. Carlos Slafter, A.M.
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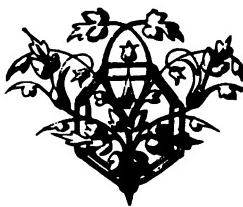
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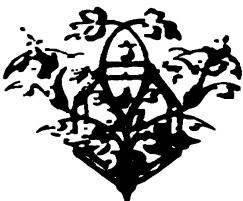




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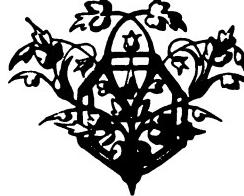
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